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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 4, 2005

8:30 A.M.

(PAGES 8700 THROUGH 8766)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 8700

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1 I N D E X
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3 Note: Mr. Sneddon is listed as “SN” on index.
4 Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
5 Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
6 Mr. Sanger is listed as “SA” on index.
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E X H I B I T S

FOR IN PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
888	Photograph	8754	8755

Santa Maria, California
Wednesday, May 4, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning, everyone. The Court has received the memorandum concerning the admissibility of statements involving this witness, and this morning received the opposition filed by the defense. Without further argument, I'm going to make these rulings. The statement -- looking at page three of the prosecution's memo and page one of the defense memo -- actually, I think it's a little clearer, easier to refer to, on the defense memo. So number one statement, Vinnie Amen told him that signs had been posted at Neverland Ranch directing security personnel not to allow the Arvizo children to leave the ranch. I'm not going to allow him to repeat that hearsay. Number two, Vinnie Amen and Marc Schaffel used the word "killers." I am going to allow that. Number three, Mr. Amen informed Mr. Provencio that a tape-recorder had secretly been used. I'm not going to allow that. 8704

That Mr. Schaffel informed Provencio that Janet Arvizo didn't want to go to Brazil, wanted to leave Neverland, did leave Neverland and that it was an escape. I'm breaking that into two parts and I'm not allowing the first part, but I will allow him to say that Mr. Schaffel informed Mr. Provencio that they, the Arvizo family, had escaped.
So with those rulings, I think we can go forward.
MR. ZONEN: Any discussion about Brazil at all?
THE COURT: Excuse me?
MR. ZONEN: Any discussion about his knowledge for Brazil, the family going to Brazil? All of that is out?
THE COURT: What I'm ruling on is that hearsay statements made to him by Mr. Schaffel that she didn't want to go to Brazil is not admissible.
MR. ZONEN: But that the family had escaped is admissible.
THE COURT: Yes.
MR. ZONEN: Can I have a moment with the witness to make sure he understands the extent of the rulings before we begin?
THE COURT: Absolutely. I'm going to leave. And when you're ready, tell the bailiff and we'll have the jury brought in.
MR. ZONEN: Thank you so much. 8705

MR. SANGER: We have another motion that we filed.
THE COURT: I'm looking up some law on that motion. I received it this morning.
MR. SANGER: Thank you, Your Honor.
(Recess taken.)
THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor.
THE COURT: You may proceed.
MR. ZONEN: Thank you, Your Honor.

RUDY R. PROVENCIO
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. ZONEN:
Q. Mr. Provencio, good morning.
A. Good morning.
Q. Did you remember the name of the bank that Neverland Valley Entertainment used during the course of the time that you were employed there?
A. Yes, the U.S. Bank.
Q. Beverly was, in fact, the person that you dealt with when you worked in conjunction with that bank?
A. Yes. 8706

Q. I had asked you a few questions about your work in lining up artists for the presentation of the “What More Can I Give?” Were artists that were going to be performing on that song going to be compensated or paid for their performance?
MR. MESEREAU: Objection; foundation.
MR. ZONEN: This is what he was doing.
THE COURT: The objection is overruled.
Q. BY MR. ZONEN: You can answer.
A. No, they were not going to be compensated. It was going to be for the next “We are the World” charity single, which was going to be “What More Can I Give?”
Q. Did you need Mr. Jackson’s assistance in being able to get those artists to perform?
A. Well, yeah. He was on conference calls, and calling the artists, and -- like he -- like we were in a car and he talked to Britney Spears, with us, on the phone. Stuff like that.
Q. All right. Mr. Provencio, you mentioned yesterday, you made a reference to two voices in your discussion about Mr. Jackson. What do you mean?
A. Well, there’s the --
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead. 8707

A. There's the -- you know, there's the voice you hear on television and stuff, and then there's the upset voice, I guess you could call it. You know, the voice --
Q. How are they different?
A. Well, one is deeper.
MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. One is a deeper voice.
Q. And you have heard both of those voices?
A. Oh, yeah.
Q. Are they uniquely distinct?
A. I think so, yes.
Q. Did you ever talk with Mr. Jackson about his use of cell phones?
A. I just saw him use people's cell phones.
Q. Did you ever see him use his own cell phone?
A. I don't think he owned one.
Q. Did you ever have -- did you ever have the ability to contact him by cell phone?
A. If we needed to get him, like if we were in the office and needed to get ahold of him?
Q. Yes.
A. We would call the bodyguard or we would call someone that we knew was close to him at that time, because he would travel or he would be someplace, 8708

and so we'd have to get ahold of somebody to get ahold of him. So he didn't have his own cell phone direct.
Q. And that was your understanding during the entirety of the time that you --
A. Oh, yeah. Oh, yeah. You couldn't get ahold of him directly. You can't get ahold of Michael Jackson directly. Like, you know, "bbrring." "Oh, hi." You know, it was -- you know, it was -- you know, you had to go to the bodyguard or you had to go through somebody, and then -- you know, that was always my experience.
Q. Did he ever make a comment to you about being like fog?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did he ever talk to you about how he liked to travel or move around?
MR. MESEREAU: Objection; leading.
THE WITNESS: Well --
THE COURT: Overruled.
You may answer.
THE WITNESS: We were at The Beverly Hills Hotel, and I had made a comment that I liked -- I was talking about anonymity --
MR. MESEREAU: Objection. Nonresponsive; move to strike.
MR. ZONEN: I believe it is responsive. 8709

THE COURT: All right. Overruled.
Q. BY MR. ZONEN: Go ahead.
A. I was speaking about anonymity, and I remember because I was drinking my Smart Water. And I was talking about anonymity and being in New York and how I loved the fact that I could be anyplace I want, and nobody knows me and I like that feeling, compared to someone like him, where he can't go anywhere unless he's dressed up or disguised. And then he had made a comment that he could go places and be like no place, which was like being like fog. It was like a strange reference. But that he would have to be in costume. Like when he was at Universal, he said that he dressed like a clown and walked around in disguise so people -- so he wouldn't be mobbed essentially.
Q. Did he explain the term "fog" to you?
A. Well, that's what he said. I don't -- you know, I just thought it was strange.
Q. Now, you mentioned that the charities had not been decided as to which charities that were going to be the beneficiaries of this song "What More Can I Give?" At some point in time was it resolved who the beneficiary would be?
MR. MESEREAU: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: Over the time that you had the opportunity to listen to conversations between 8710

Mr. Schaffel and Mr. Jackson, did you ever hear any use of diminutives or nicknames by either of them for the other?
A. Just that Marc called him “Arnold.” But they were good friends. I mean, they were buddies.
Q. All right. And where did “Arnold” come from?
A. Gosh, I don’t know. I don’t know. I mean, “Arnold” was like, you know, “Ar-nold,” and then Michael would laugh. I just thought it was kind of like an endearment term.
MR. MESEREAU: Objection; move to strike.
THE COURT: Stricken.
Q. BY MR. ZONEN: Did you hear that often?
A. Yeah. When they were around each other, uh-huh. We were in the studio, we would go and have meetings with Michael to talk about the benefit single.
Q. What -- you mentioned the term “french fries.” What was that?
A. Money.
Q. Excuse me?
A. Money.
Q. And what does that mean?
A. Typically Michael wanted money. So, “I need french fries,” or -- you know, “french fries” was about money.
Q. Did that term come up in conversations 8711

frequently?
A. Well, yeah.
Q. Did you learn over time what it was in reference to?
A. That Michael needed money.
Q. Did either Mr. Jackson or Mr. Schaffel tell you that, that that was what that term meant?
A. Well, Michael was always asking for money, or --
MR. MESEREAU: Objection.
THE WITNESS: You know, everybody has to make money.
MR. MESEREAU: Objection; move to strike.
THE COURT: Stricken.
Q. BY MR. ZONEN: In the conversations that you overheard between Mr. Schaffel and Mr. Jackson, were there discussions about money passing from one to the other?
A. Yeah.
Q. Frequently?
A. Well, yeah. We were -- you know, you had to make money to -- you know, the single had to take off, and there were other things Michael wanted to do, and he needed his cash, like after the RMAs and --
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: I'll strike the last phrase. 8712

Q. BY MR. ZONEN: Did you ever specifically hear Michael Jackson -- ever hear Michael Jackson specifically ask for cash from Mr. Schaffel, money to be delivered in cash?
A. Yes.
Q. On a number of occasions?
A. Couple times, yes.
Q. Were you present when that happened, when money was, in fact, transferred from Mr. Schaffel to Mr. Jackson?
A. No. I saw checks.
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Overruled. Next question.
Q. BY MR. ZONEN: In November 2001, did something happen that changed the working relationship between you, Marc Schaffel and Mr. Jackson?
A. Yes. The -- Marc got fired.
Q. Got fired by whom?
A. Neverland Valley wasn't closed. Marc got fired, though.
Q. And did you actually see or witness the firing of Mr. Schaffel?
A. Yeah, it came through a fax machine.
Q. It was a letter?
A. Yeah, it was a letter.
Q. From whom? 8713

A. A guy named Zia. I believe --
Q. Do you know his last name?
A. Maroda. Maroder or something.
Q. Do you know who Zia is?
A. He was just one of Michael's lawyers, crony lawyers.
MR. MESEREAU: Objection; move to strike.
MR. ZONEN: Did I hear that right?
THE WITNESS: Well, there's many lawyers.
THE COURT: Just a moment.
THE WITNESS: Oh, sorry.
THE COURT: I'll strike the last phrase in that answer.
Q. BY MR. ZONEN: You understand Zia to be one of the attorneys; is that right?
A. Yes.
Q. And this letter was received by whom?
A. By Marc in his office.
Q. All right. But did you see it?
A. Yes.
Q. Did you see it when it actually came in?
A. Yes.
Q. Did you see it before or after Mr. Schaffel saw it?
A. We pretty much saw it at the same time, because it was, you know, "You're fired," you know, when I handed it to him.
Q. Was there some level of controversy that -- 8714

MR. MESEREAU: Objection. Nonresponsive;
move to strike.
THE COURT: I'll strike the last sentence.
Leave the first phrase in, that they "saw it at the
same time."
Q. BY MR. ZONEN: Was there some controversy
that was going on at that time involving Mr.
Schaffel?
MR. MESEREAU: Objection. Relevance;
foundation.
MR. ZONEN: I can lay foundation for it.
MR. MESEREAU: And leading.
MR. ZONEN: But it would require some
discussion.
THE COURT: The objection is overruled.
Q. BY MR. ZONEN: Go ahead.
A. What was the question?
Q. Was there some controversy that was going on
involving Marc Schaffel at that time?
A. Well, they --
THE COURT: Just answer "yes" or "no" on
that.
THE WITNESS: Oh, okay. Yes.
Q. BY MR. ZONEN: What was it?
MR. MESEREAU: Objection. Relevance;
foundation; 352.
THE COURT: Overruled.
You may answer. 8715

Q. BY MR. ZONEN: What was it?
A. His past.
Q. And what was it about his past?
A. He was in adult entertainment.
MR. MESEREAU: Objection. Objection. 352;
foundation; relevance.
THE COURT: Overruled.
Q. BY MR. ZONEN: What was it about his past?
A. He was in adult entertainment.
Q. What type of adult entertainment; what was
he doing?
MR. MESEREAU: Objection. Relevance; 352.
THE COURT: Sustained.
Q. BY MR. ZONEN: All right. And he was fired.
But this operation was out of his home; is that
correct?
A. Right. Neverland Valley Entertainment kept
on operating.
Q. Up until this time in November -- and do you
remember if it was early or late November of '01?
A. It was -- I think it was like the third week
in November.
Q. Up until this time in November of '01, was
there fairly continuous communication between Mr.
Schaffel and Mr. Jackson and even between you and
Mr. Jackson?
A. There was continuous communication between
those two definitely, and then I would only come 8716

into it when it was just business.
Q. Okay. And the communication between Mr. Jackson and Mr. Schaffel was communication that you were able to personally witness; is that right?
A. Right. He would have him on the speakerphone.
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Overruled. Next question.
Q. BY MR. ZONEN: All right. Now, after the firing of Mr. Schaffel, was there any communication that you were able to personally witness between Mr. Schaffel and Mr. Jackson?
A. No.
Q. And did that go on for some period of time?
A. Yeah. For quite a while.
Q. All right. Now, Neverland Valley Entertainment was housed in Mr. Schaffel's home; is that correct?
A. Yeah, it was a Michael Jackson/Marc Schaffel company housed in his home.
Q. So what happened to you at that point?
A. Well, we just kind of went into limbo, because we didn't -- without Michael's cooperation on the single, we couldn't really get more artists to sing on it, and everything just kind of went screeching to a halt.
Q. All right. What did you continue to do? 8717

A. We started working on, you know, finances, how much we have spent on the project, getting the receipts together. Getting the books together, essentially, to make sure that, you know, things were, you know, on the up and up and --
Q. Who is “we”? You say “we.”
A. Marc and I.
Q. So Marc was still working there?
A. Yeah, Marc, Christian, I was still there.
Q. Christian Robinson?
A. Yes, Christian Robinson.
Q. What was he doing during this time?
A. He was doing the same thing we were doing, you know, just getting filing done and -- you know, there had been a mountain of things. You know, everybody had been traveling, trying to get artists.
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Overruled. Next question.
Q. BY MR. ZONEN: Did you continue to draw salary during this time?
A. Yeah.
Q. Do you know if Mr. Schaffel continued to draw salary?
A. I’m pretty sure.
Q. Was that bank account still in existence at U.S. Bank?
A. Yes. 8718

Q. And were either you or Schaffel periodically
dealing with that bank with regards to funds?
A. Well, yeah, we had to go in and see Beverly
and --
Q. For how long did this continue, that you
continued working in Mr. Schaffel's home on this
project?
A. Well, at the beginning, we took a break.
You know, we just kind of took a breather. And then
we started -- just went in like gangbusters and got
all the paperwork together. So that went on for
like seven, eight months, something like that.
Q. And for the next seven or eight months, was
there any contact between you and Michael Jackson?
A. No. He wasn't calling the office.
Q. Pardon me?
A. He wasn't calling the office.
Q. And there was no contact between Mr.
Schaffel and Mr. Jackson that you were personally
witness to; is that correct?
A. Correct.
Q. Was there any progress that was being made
toward the development of "What More Can I Give?"
A. No. Everything was at a dead halt. Other
than, you know, it was trying to be -- Marc was
trying to work on things. But, you know, as far as
I was concerned, getting artists in the studio and
everything, and recording and other things, you 8719

know, everything was at a dead halt.
Q. Did you still have your point? Do you know what I'm talking about, the point?
A. I didn't. Yeah.
Q. Did you still have -- that's the point of the interest, 1 percent interest in the song; is that right?
A. Yeah, I still had it in the beginning. And then I started debating whether I was going to hold on to it.
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: I'll strike after, "In the beginning."
Q. BY MR. ZONEN: Mr. Provencio, what did you do with your 1 percent interest in "What More Can I Give?"
A. I gave it back to Michael.
Q. How did you do that?
A. I signed documents at Wahoo's Fish Taco on Wilshire, and basically it says that I give my point back to Michael.
Q. Who did you furnish those documents to?
A. To Marc Schaffel, but it had Michael's name. I read it. It said that, "This hereby" -- "You are giving your point back."
MR. MESEREAU: Objection. Nonresponsive; move to strike. 8720

THE COURT: The last portion is stricken.
Q. BY MR. ZONEN: Why did you do that? Why did you return your 1 percent back to Michael Jackson?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead and explain.
A. Well, there was two things. I was really kind of just wanting to get away from all of them, and I really didn't feel like really I deserved to keep something that was Michael's song, and make money on something that I didn't really -- it was Michael's song, so I felt that it was the right thing to do.
And I just wanted to kind -- I had a good time while I had it, and -- and, you know, I wasn't rich before, so, you know, I can't miss anything I didn't have. So I just gave it back because I thought that was the right thing to do.
Q. Mr. Provencio, during that period of time, did Marc Schaffel continue to work with Neverland Valley Entertainment?
A. Yes.
Q. Even after he was fired?
A. Yes. Because Neverland Valley Entertainment still existed.
Q. Were there other projects that Neverland Valley Entertainment was engaged in other than "What More Can I Give?" 8721

MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
You may answer.
MR. ZONEN: I'm sorry, Your Honor?
THE COURT: Yes, he may answer.
Q. BY MR. ZONEN: Go ahead, please.
A. The rebuttal specials, the RMA Awards in Las Vegas. Essentially The BAMBIs, The BAMBIs in Germany.
Q. Now, The BAMBIs in Germany, tell us what that is.
A. Well, that's --
MR. MESEREAU: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did Marc Schaffel attend any activities with Michael Jackson during the latter -- at any time during 2001 or 2002?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Were you present during the attendance of any activities with Marc Schaffel and Michael Jackson after he had been fired?
A. Yeah.
Q. Where?
A. Went to Gary, Indiana.
Q. What happened at Gary, Indiana?
A. We went to Michael's home town.
Q. And Mr. Schaffel was there? 8722

A. Yeah. That's the last time I talked to Michael, was there.
Q. Okay. Do you remember when that was?
A. June 2003, I think.
Q. Let me go back, if we can, please, to early 2003, January 2003. Did you know in January 2003 a woman by the name of Kathryn Milofsky?
A. Yes.
Q. Did I pronounce her name correctly?
A. I can't even pronounce her name. Yeah, I believe so.
Q. Okay. Who is Kathryn Milofsky, to your knowledge?
A. She was a press person, a really nice press person.
Q. Okay. From where; do you know?
A. Well, she worked at one of the major networks.
Q. And do you know in which country?
A. Yeah, Great Britain. And then she came over to America.
Q. Did she send something to you or to Mr. Schaffel that you saw in early January 2003?
A. Yeah, the transcript to Martin Bashir, January 24th.
Q. So the "Martin Bashir," what was that exactly? Do you know the name of it?
A. It was the transcript -- I'm sorry? 8723

Q. Do you know the name of it?
A. “Living with Michael Jackson.”
Q. All right. Now, had it been aired at the time that she sent it?
A. No.
Q. Did she actually have a conversation with either -- with you?
A. About?
Q. About “Living with Michael Jackson” and the transcript.
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer “yes” or “no.”
Q. BY MR. ZONEN: Just “yes” or “no.”
A. Yes.
Q. Was this conversation with her before or after she sent you the transcript?
A. Both before and after.
Q. You had multiple conversations with her?
A. Yeah. It was -- she had warned us it was going to be very damaging to Michael.
MR. MESEREAU: Objection. Hearsay; move to strike.
MR. ZONEN: Tends to explain their conduct thereafter.
THE COURT: Well, it’s nonresponsive.
Sustained.
Q. BY MR. ZONEN: Mr. Provencio, when you 8724

received the transcript, did you read it?
A. Yes. On the 24th.
Q. Was this before the documentary had been
aired either in Europe or in the United States?
A. Yes.
Q. Did you understand the impact of that
transcript when you read it?
A. Oh, yeah.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
MR. ZONEN: The answer is in?
THE COURT: Yes.
Q. BY MR. ZONEN: All right. At some point in
time did you begin getting phone calls at Neverland
Valley Entertainment?
A. Oh, yeah, the phone went ballistic.
Q. Was that before or after the first showing
of “Living with Michael Jackson”?
A. It was actually before, because other --
other press people had, I guess, received the
transcript, too, or got ahold of it.
Q. And when you say -- don’t tell me what the
content of the conversations were, but just give me
a sense of how much -- you say the phone went
ballistic. How many calls were you getting, how
often?
A. Well, if an octopus could pick up a phone
every two seconds, that’s how many phone calls we 8725

were getting. So literally the phone just rang and rang and rang and rang.
Q. For the entire time?
A. Oh, yeah, day and night.
Q. Was it people other than the press?
A. Well, first it was European press and then it was the American press, North American press.
Q. Was the American showing a few days after the European showing?
A. Excuse me?
Q. The American showing of “Living with Michael Jackson,” to your understanding, was a few days after the European showing?
A. Yes, like two or three days.
Q. And after that, were there plenty of phone calls?
A. Yeah, it was crazy.
Q. Did it go on for some period of time?
A. Well, yeah, it was an engagement. You had to -- you know, you had to take the phone calls, or people would just keep calling.
Q. All right. Now, without getting into what, were the questions geared towards specific areas of the content of that documentary?
MR. MESEREAU: Objection. Hearsay and leading.
MR. ZONEN: Leading for a reason. I’m trying to narrow the focus, Your Honor. 8726

THE COURT: Just a moment. The objection is overruled.
Q. BY MR. ZONEN: Did you understand the question?
A. Yes. They were asking -- the press was asking primarily two questions.
MR. MESEREAU: Objection.
MR. ZONEN: Hold on. Hold on.
MR. MESEREAU: Hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: I'll ask you specifically -- listen to the question. Were there specific areas -- without getting into what they were, were there specific areas in particular that the press were inquiring about?
A. Yes.
Q. All right. Was one of those areas the issue of the child?
MR. MESEREAU: Objection; leading.
MR. ZONEN: For a reason.
THE COURT: The objection is overruled.
Q. BY MR. ZONEN: Was one of those areas the issue of the child?
A. Yes.
Q. As to that issue, what were they inquiring about?
MR. MESEREAU: Objection. Hearsay; foundation. 8727

THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. What was their question?
Q. Yes. Who were they inquiring about?
A. Who was this boy Michael was sleeping with.
Q. Was that asked often?
A. Yeah, a lot.
Q. Was that asked as much as any other inquiry, without getting into any of the other inquiries?
A. Yeah, that was the number one.
Q. Now, did things change at Neverland Valley Entertainment after the screening of "Living with Michael Jackson"?
A. Well, yeah, it was in high gear again, and they were going to make doc -- rebuttals.
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: After "in high gear again," I'll strike that.
Q. BY MR. ZONEN: Were there other people brought in now to Neverland Valley Entertainment to deal with this crisis?
A. Yeah. Well, Frank's always been around. But Vinnie was brought in and -- but they were -- they were -- and Stuart Backerman.
Q. Okay. Is Stuart Backerman somebody that you knew prior to the screening of "Living with Michael Jackson"? 8728

A. Oh, God, no. Nobody knew him. So, no.
Q. What was Mr. Backerman's role?
A. He was going to be the press person.
Q. Did he work out of Mr. Schaffel's residence as well?
A. Yes. You know, at first, and then he was working at a hotel down the street. And they would come into the office.
Q. Did you know an Ann Gabriel or Ann Kite?
A. I only knew that they had her around for like a minute, and then she was gone. So --
Q. Did you know of any other people who were brought in, who were working with Neverland Valley Entertainment dealing with this issue?
A. Oh, this British company, Bell something or something Bell.
Q. Bell Yard?
A. Bell Yard. That's it.
Q. And were there, in fact, conversations that you were able to overhear between Mr. Schaffel and Bell Yard in England?
A. Yeah. And I also saw the paperwork.
Q. Okay. Were there -- was there now communication with Michael Jackson that you were privy to, that you were actually witness to?
A. Yeah.
Q. Did that begin after this?
A. After -- 8729

Q. In other words, after the -- after the screening of “Living with Michael Jackson,” or even -- let me withdraw that question.
After you and Mr. Schaffel became aware of the existence of the transcript of that show, did either you or Mr. Schaffel make that -- the content of that transcript known to Mr. Jackson?
A. Marc did. Marc did to Ronald, Dieter and Michael.
Q. So all of them were contacted at that time?
A. Yes.
Q. All right. Now, had Ronald and Dieter been active in dealing with Mr. Schaffel in your presence during the preceding months prior to January ‘03?
A. I don’t understand. Can you say that --
Q. Were you witness to conversations between Marc Schaffel and either Ronald Konitzer or Dieter Weizner prior to January of ‘03?
A. Oh, prior to January?
Q. Yes.
A. Yeah. They were -- he was trying to get back into good graces with Michael, so he was talking to Frank and to Ronald and Dieter on the phone a lot.
Q. What -- did you ever have conversations with Frank or Ronald or Dieter during that period prior to January ‘03?
A. Well, Ronald and Dieter came over to the 8730

house to have meetings, like two meetings I remember.
Q. All right. And that was -- you were there at the time; is that correct?
A. Yeah, we had a meeting with them.
Q. All right. Were there any conference calls that took place in the early part of February or late part of January that involved Mr. Jackson, conference calls that you were privy to?
A. January 1st.
Q. How many conference calls were there that you actually heard?
A. With Michael on it?
Q. Yes.
A. Two.
Q. And were you actually part of the conference call?
A. Well, in the beginning I was sitting there. And they got -- you know, he put them on speakerphone. And then -- and then he kind of just wanted to make it a little more private, and I went in my office and was listening to the conference call.
Q. All right. Were you listening to the conference call on your phone in your office?
A. Yes.
Q. We're talking about Mr. Schaffel's residence; is that correct? 8731

A. Right, but I had my own office in there, and
the phones were all interlinked.
Q. And were you able to listen to the
conversation in its entirety?
A. Yeah, because I kept notes.
Q. You kept notes as to both those
conversations?
A. Yes.
Q. All right. Was Mr. Jackson part of the
conversation?
A. Yes. Not in the beginning, but Dieter would
bring him on.
Q. From the point that Mr. Jackson became part
of the conversation - and this is the first
conversation on the 1st of January - was there any
discussion about Debbie Rowe in that conversation?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. Yes.
Q. And what was discussed about Debbie Rowe?
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. ZONEN: Was there any specific
discussion about Debbie Rowe being actively involved
in dealing with this controversy?
MR. MESEREAU: Objection. Leading and
vague. 8732

MR. ZONEN: I'm not sure they can be both
leading and vague.
THE COURT: I'll allow a "yes" or "no" answer
to that question.
Do you know the question?
THE WITNESS: Could you state it again,
please?
MR. ZONEN: Perhaps the court reporter could
read it back.
THE COURT: Yes.
(Record read.)
THE WITNESS: The answer is yes.
Q. BY MR. ZONEN: Okay. Was Mr. Jackson asked
to do something by any of the other participants in
this conference call with regards to Debbie Rowe?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: You can answer.
A. Yes.
Q. What was he asked to do?
A. Call her.
MR. MESEREAU: Objection. Vague and
hearsay.
THE COURT: Overruled.
MR. ZONEN: And the answer is in?
THE COURT: Yes.
Q. BY MR. ZONEN: Did Mr. Jackson say something 8733

in regards to that?
A. Just that he wanted to know what was going on.
Q. Did he ask that throughout that conversation?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: Was he told what he needed to say or was there any discussion about what he needed to say to Debbie Rowe?
A. Yeah.
Q. What was that?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled. I want -- there's an issue here for me, though, and that is who is talking?
MR. ZONEN: All right. All right. Let me back up a question, and then we'll go back to the other one.
Q. Who was on this telephone conversation?
A. Dieter, Marc and then Michael.
Q. Now, did you know where Dieter and Michael were at the time of the conversation? That's just "yes" or "no."
A. No.
Q. And Marc, of course, was in the same residence with you?
A. Correct. 8734

Q. Who was it who was talking to -- to Mr. Jackson about -- specifically about what he needed to do with regards to Debbie Rowe?
A. Marc and Dieter.
Q. Were both of them speaking at different times with Mr. Jackson with regards to Debbie Rowe?
A. Together and separate.
Q. What is it that Marc told Mr. Jackson he needed to do with regards to Debbie Rowe?
MR. MESEREAU: Objection. Hearsay and leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. He needed to call her and talk to her.
Q. Okay.
A. Give her permission.
Q. All right. Something about permission?
A. Uh-huh.
Q. Okay. What did Dieter say to Mr. Jackson with regards to Debbie Rowe?
MR. MESEREAU: Objection. Foundation and hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. That he needed -- that all he needed to do was talk to her so that she could do the rebuttal.
Q. Did Mr. Jackson say anything in that regard as to whether he would or would not do that? 8735

A. No, I never knew if he even called her.
So....
Q. All right. Were you aware, from your having
read the transcript -- incidentally, did you ever
see the documentary “Living with Michael Jackson”?
A. Yeah, I saw it. I mean, parts I nodded off
on, but, you know, I saw it for what it was worth,
yeah.
Q. Did you see the portion of the documentary
that specifically featured this child who was the
subject of the controversy?
A. Oh, yeah.
Q. Did you see it in its entirety, that
section?
A. Oh, absolutely.
Q. All right. Did you know the name of this
family?
A. Yes.
Q. Did you know how many members were in the
family?
A. Yeah, I mean, I pretty much knew there was
like -- how many people were there, yeah.
Q. In this first conference call that you were
listening to on the 1st of January, was there any
discussion about the family at all?
A. Yes.
Q. And what was said in the presence -- at the
time that Mr. Jackson was on the phone? 8736

MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. ZONEN: Was Mr. Jackson asked to do anything with regard to this family?
MR. MESEREAU: Objection. Hearsay and vague.
THE COURT: Vague as to the person asking.
MR. ZONEN: Okay.
Q. Did either Mr. Schaffel or Mr. -- it was Dieter, right? Not Ronald.
A. Dieter.
Q. Dieter was on the call.
Did Mr. Weizner or Mr. Schaffel ask Michael Jackson to do anything with regards to the family?
A. Well, Frank had told him that --
MR. MESEREAU: Objection; nonresponsive.
Q. BY MR. ZONEN: “Yes” or “no.”
A. Yes.
Q. All right. And who was it, Dieter or Schaffel or both?
A. Both.
Q. Let’s start with Mr. Schaffel. What did Mr. Schaffel say with regards to Mr. Jackson with regards to this family?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead. 8737

A. That they could ruin your career, they could blackmail you.
Q. All right. Did Mr. Weizner say anything to Mr. Jackson?
A. Essentially the same thing. You know, essentially the same thing.
Q. Was there some discussion by either one of them as to what should be done?
A. On the second conference call there was a little bit better clarity there.
Q. We'll get to that in a second. But on the first one, was there any further discussion at that point?
A. Not really. Not that I can remember, that I can recall. I mean, it's -- do you want me to look at my notes, or --
Q. Would it refresh your recollection to look at your notes?
A. Yeah.
Q. Did you, in fact, take notes at that time?
A. Yeah, at the time. This is --
Q. Were your notes taken contemporaneous with the event, the phone call?
A. Yeah, they're right here.
Q. You have those notes with you?
A. Yes.
Q. Go ahead and take a look at your notes. Don't read from them, just read them, and then close 8738

your notebook back up when you're done.
A. Okay.
Q. Having reviewed your notes, did it refresh your recollection as to any other content of that conversation that specifically dealt with this family?
A. Yes.
Q. All right. And what else was said?
A. That --
MR. MESEREAU: Objection; vague.
Q. BY MR. ZONEN: Let's start with either Mr. Weizner -- what else was said by Mr. Weizner, if anything else?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't -- Weizner and Marc were essentially saying the same things back and forth. There was that urgency tone in their voice of, you know, "You've got to" -- you know, "You have got to take care of" --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Overruled. As to the tone of voice is stricken.
Q. BY MR. ZONEN: Let's deal specifically with Mr. Weizner, as best you can recall. Anything other than what you've told us already with regards to the Arvizo family? 8739

MR. MESEREAU: Objection; hearsay.
Your Honor, was there a ruling?
THE COURT: I'm sorry, yes.
MR. ZONEN: What was the ruling? I'm sorry,
I didn't hear it. I apologize.
THE COURT: Overruled.
MR. ZONEN: All right.
THE COURT: My voice was --
MR. ZONEN: Now I don't remember the
question.
Q. Oh, it was dealing with Mr. Weizner, and the
question of whether or not your notes refresh your
recollection as to anything else that Mr. Weizner
had said to Mr. Jackson concerning the Arvizo
family. Am I right?
A. Right.
Q. Tell us anything else you can recall having
read your notes, reviewed your notes.
A. That they wanted to do this rebuttal and put
some money in his pocket.
Q. There was discussion about rebuttal at that
point?
A. Yeah, that was an early concept of theirs.
Q. All right. What specifically was the
discussion about the rebuttal coming from Mr.
Weizner? And then we'll talk about from Mr.
Schaffel.
MR. MESEREAU: Objection; hearsay. 8740

THE COURT: Just rephrase the question.
You've confused the witness.
Q. BY MR. ZONEN: Was there a conversation
between Mr. Weizner and Mr. Jackson about a
rebuttal?
A. Yes.
Q. What did Mr. Weizner say to Mr. Jackson
about a rebuttal?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: To the best of your
recollection.
A. That we -- that they needed to do it.
Q. Did he say why they needed to do this
rebuttal?
A. To save Michael's image, his career.
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: And did he talk at all about
this being a money-raiser in any way?
A. Oh, yeah. This could make money.
Q. And that's what Mr. Weizner said to Mr.
Jackson?
A. Both of them did.
Q. All right. Now, let's move to Mr. Schaffel
as well. To the best of your recollection, what did
Mr. Schaffel say about -- to Mr. Jackson about 8741

1 performing this -- doing this rebuttal film?
2 MR. MESEREAU: Objection; hearsay.
3 THE COURT: Overruled.
4 You may answer.
5 Q. BY MR. ZONEN: Go ahead.
6 A. That, “You could let the network make all
7 the money or you could make the money.” So there
8 was an incentive.
9 Q. Do you recall what Mr. Jackson said in
10 response to that?
11 A. Well, he agreed.
12 Q. Was there any discussion about whether the
13 Arvizo family would be involved in this rebuttal?
14 A. Yes, because Michael had --
15 MR. MESEREAU: Objection; vague.
16 THE COURT: Overruled. The answer was,
17 “Yes.”
18 Q. BY MR. ZONEN: All right. Tell us who --
19 between which parties was there discussion about the
20 Arvizo family being involved in this rebuttal? Who
21 talked about the Arvizos’ family participation in
22 the rebuttal?
23 A. Oh, Michael brought it up.
24 Q. And what did he say?
25 A. That Frank had told him.
26 Q. That Frank had told him what?
27 A. That they could be filming the family, or
28 that the family might be in this rebuttal special. 8742

1 And needed to be.
2 Q. Did Mr. Jackson offer any commentary as to
3 why the family needed to be involved in this
4 rebuttal?
5 A. Not really. Just -- wanted just to be aware
6 of things.
7 Q. Now, this is all the first conversation, is
8 that right, the first conference call?
9 A. Yes. Things were moving very quickly.
10 MR. MESEREAU: Objection; move to strike.
11 THE COURT: Stricken. No question pending.
12 Q. BY MR. ZONEN: Now, the second conversation
13 conference call that took place, do you remember
14 when that was?
15 A. Yeah, it was either Feb 2nd or 3rd. One of
16 those days.
17 Q. Within one to two days?
18 A. Yes.
19 Q. Were you listening to that conversation as
20 well?
21 A. Yes.
22 Q. Were you party to the conversation? In
23 other words, were you talking during the
24 conversation?
25 A. No, I was just listening.
26 Q. Do you know whether or not the other parties
27 knew you were on the line?
28 A. They didn’t know. 8743

Q. As to the first conversation on the 1st, do you know whether the other parties knew whether you were on the line?
A. He knew I was sitting there when he got them on the phone, and then I went into the other room and listened.
Q. Did he know that you -- Schaffel, you're talking about, is "he," right?
A. Right.
Q. Did Mr. Schaffel know that you were listening on the other line as to either of those two conversations?
A. No, but he -- no, the answer is no.
Q. In the second conversation, who were the participants of that conversation?
A. Dieter and Michael again, and it was the same way. Dieter first and then Michael got on the phone.
Q. In other words, initially the conversation was between Marc and Dieter?
A. Uh-huh.
Q. And then Michael got on the phone?
A. Uh-huh.
Q. Without getting into the content of the conversation, what -- how long did Marc and Dieter talk before Michael got on the phone?
A. A couple of minutes. Just about probably, like, eight or ten minutes. And it was just 8744

rambling money crap, I mean stuff.
Q. That happens here every once in a while.
A. Oh, okay.
Q. Could you tell if Dieter and Michael were in the same location? I mean, when Michael -- Mr. Jackson got on the phone, did they have to commence another phone call to do that or did he simply get on the phone?
A. Well, initially it was like an operator, so I knew it wasn't at Neverland. But I didn't know where they were.
Q. But did they have to invoke -- use an operator again to get Mr. Jackson on the phone?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: Do you understand the question?
A. Yes.
No, when Michael came on the phone, it was like he was right there.
Q. Okay.
A. Or he had walked into another room, you know, if it was that kind of phone.
Q. You said, "Neverland." Did you know whether or not they were actually calling from Neverland?
A. No, because when you call at Neverland, they pick up and say "Neverland."
Q. Do you know who commenced this phone call? 8745

A. Marc did.
Q. And no one said “Neverland” at the time that he called?
A. No. It was an operator.
Q. All right. After Mr. Jackson became party to this conversation that was now a conversation with Dieter and Michael Jackson and Mr. Schaffel, was there a discussion about making the video?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Just “yes” or “no.”
A. Yes.
Q. Who was involved in that discussion?
A. Dieter, Ronald, Michael.
Q. Can you tell us what Michael Jackson said specifically about the video and making the video?
A. Well, he wanted to know what was going on, so he just asked it blunt, like, “What’s happening? What’s the latest? What’s going on?”
Q. And did either Dieter or Marc answer that question? That’s “yes” or “no.”
A. Yes.
Q. Which one answered that question?
A. Both of them did.
Q. What did Marc say with regards to what’s going on?
MR. MESEREAU: Objection; hearsay. 8746

THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: What did Marc say with
regards to what's going on?
A. Can I look at my notes?
Q. Would it refresh your recollection to do so?
A. Yes.
Q. All right. And if that same question dealt
with Dieter, would you need to refresh your
recollection as to that as well?
A. Yes.
Q. All right. Would you please refresh your
recollection as to both of those.
Have you reviewed your notes as to both of
those conversations?
A. Uh-huh.
Q. Were you able to refresh your recollection
as to both of those conversations?
A. Yes.
Q. What did Mr. Jackson say with regards to his
conversation with Marc Schaffel as to what was going
on?
A. Well, first --
Q. You already answered that.
I'm sorry. What did -- you know, I'm not
sure what the question was.
THE COURT: It was, "What did Marc say?"
MR. ZONEN: I'm sorry? 8747

THE COURT: I think you were asking, “What did Marc say?”
Q. BY MR. ZONEN: Okay. Go ahead.
A. What did Marc say? Well, he said that, “We’re going to go down to Florida,” or something like that, yeah.
Q. He made a comment about going to Florida?
A. Yes.
Q. Do you recall what --
A. Taking the family down to Florida.
Q. So the content of that conversation included going to Florida with the family?
A. Correct.
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Overruled.
Q. BY MR. ZONEN: And as to Dieter, what did Dieter say specifically?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: To Michael Jackson, what did Dieter say?
A. They needed to do a press conference.
Q. What did Mr. Jackson say in response to doing a press conference?
A. That he hates doing those things.
Q. I’m sorry?
A. That he hated doing those things. 8748

Q. Did he agree to do it?
A. You know, I didn't hear Michael say, "Yes," you know, "I want to do it." He just says, "Ahh, I hate doing those things."
Q. Was there any other discussion about the Arvizo family in this conversation other than that they were going to go to Florida to do a press conference?
A. Yeah, they were going to be with Michael and Michael wanted to go someplace fun.
Q. What did he say specifically about going someplace fun?
A. He said, "Let's go someplace fun." I don't know, maybe the place was boring.
Q. Was there any discussion in this second conference about being concerned about the Arvizo family?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: No, but I was concerned.
Q. BY MR. ZONEN: All right. But --
MR. MESEREAU: Objection. Move to strike; nonresponsive.
THE COURT: Stricken. Except for "No."
Q. BY MR. ZONEN: You had mentioned, as to the first conversation on the 1st, that there was some discussion about blackmail; is that right? 8749

A. Correct.
Q. Was there any discussion about blackmail on the second conversation, to the best of your recollection?
A. No, not that I can think of.
Q. Was there any more discussion in the second conversation about Debbie Rowe's involvement in the video?
A. No, she was just going to do the rebuttal.
Q. All right. Was that talked about in the second conversation at all?
A. No.
Q. At some point in time, did you become aware of the fact that there was going to be an interview with Debbie Rowe?
A. Oh, yeah.
Q. Did you learn about that prior to the commencement of that interview?
A. Could you say that again?
Q. Before the interview actually took place, did you know that that interview was going to happen?
A. Oh, yeah.
Q. How long prior to the commencement of the interview?
A. A couple days. It was going quick.
Q. Do you know when that interview took place relative to, say, the second phone call? 8750

A. Actually a couple days later, I believe.
Yeah.
Q. Do you know where that interview took place?
A. Yeah, I was there. It was at Marc's house.
Q. Do you know for what period of time that interview took place? How long did it last?
A. It went on for forever. It was like -- it was like eight, nine hours, something like that.
Q. Do you know approximately what time it started and approximately what time it ended?
A. It seemed like it just went on all day. There was a lot of setup. Hamid had to come in and set up. So if you're talking that, that started early. And then, you know, we didn't get out of there until the sun went down, really, so....
Q. And was Debbie Rowe there the entire time?
A. No, not in the beginning, because that's all setup; microphones, lighting, the cameras.
Q. You said Hamid was there. Who is Hamid? Do you know his full name?
A. Hamid Molesi or Moleshi.
Q. And what does he do?
A. He was Michael's personal videographer, photographer.
Q. If I referred to Hamid as Mr. Moslehi --
A. Moslehi.
Q. -- would that sound close enough?
A. I always mispronounced his name, so yeah. 8751

Q. I think everybody does.
Who else was there besides Mr. Moslehi?
A. Iris, her attorney.
Q. Whose attorney?
A. Debbie Rowe's attorney.
Q. Do you know Iris's last name?
A. Silver something.
Q. Does Finsilver sound right?
A. Finsilver.
Q. And then Debbie was there?
A. Uh-huh.
Q. All right. And who else was there?
A. Christian. Ian Drew.
Q. Is this Christian Robinson we're talking about?
A. Yes.
Q. Christian Robinson was still working --
A. Oh, yeah.
Q. -- for Neverland Valley Entertainment?
A. Oh, yes.
Q. And the workplace for Christian Robinson continued to be Mr. Schaffel's residence?
A. Correct.
Q. And he was there on that occasion?
A. Yes.
Q. Was he actually involved in this interview with Debbie Rowe?
A. Well, he was working, yeah. I mean, doing 8752

some sideline things and helping to assist camera work and stuff.
Q. Was Marc Schaffel there?
A. Yes.
Q. We have Christian Robinson, Marc Schaffel, Iris Joan, Hamid, you were there; is that correct?
A. Uh-huh.
Q. Who else was there? Anybody else you can think of?
A. Stuart Backerman.
Q. Was he there for the entire time?
A. Yeah, everybody stayed for the entire time.
Q. Anybody else?
A. Not that I can think of. I mean, there was camera -- I think Hamid had some camera guys, but --
Q. Who actually conducted the interview?
A. Ian Drew.
Q. Now, were you witness to any part of this interview?
A. Yeah, I would come up and -- upstairs and downstairs and watch, and then get bored and go back upstairs, and then come down.
Q. Did you watch at times for extended periods?
A. Yeah, to see what was said and how it was going to be performed or whatever.
Q. Over the entirety of the time that this interview took place, what percentage of it do you believe you actually witnessed? 8753

A. Probably 75 percent of it, because I was going up and down. You couldn't help it, it was just happening right there, so --

MR. ZONEN: Your Honor, may I approach the witness?

THE COURT: Yes.

Q. BY MR. ZONEN: I'm going to show you Exhibit No. 888. 888, you would agree, is a photograph?

A. Yes.

Q. Okay. Can you tell us the content of the photograph, the subject matter?

A. It's the interview that's happening in the house. Marc's home.

Q. Can you identify the people who are in that photograph?

A. Yes.

Q. All right. Who are they?

A. Debbie Rowe. Ian Drew sitting across from her. Marc to the right in the blue shirt. And Christian Robinson to the left.

Q. Does that appear to be a photograph that was taken during the course of that interview?

A. Oh, absolutely.

Q. All right. Are all of those people identified accurately as the subject of that photograph?

A. Yes.

Q. And is that photograph, in fact, an accurate 8754

depiction of the subject matter contained within?
A. I guess so, yeah.
MR. ZONEN: I would move to introduce 888
into evidence.
MR. MESEREAU: No objection.
MR. ZONEN: All right.
Q. In that photograph, do you see Mr. Schaffel
doing something?
THE COURT: It's admitted.
MR. ZONEN: Your Honor, can I publish the
photograph?
THE COURT: Yes.
Q. BY MR. ZONEN: And can you identify those
people again, please?
A. Yes. By pointing?
MR. ZONEN: Do we have that laser?
Yeah, right there.
THE WITNESS: This is a laser?
MR. ZONEN: It is.
THE WITNESS: All right.
MR. ZONEN: Don't start playing with it.
Q. Point out, please, Debbie Rowe for us.
Point out Ian Drew for us.
A simple point would be adequate.
Point out Marc Schaffel, if you would,
please.
And point out Christian Robinson.
Okay. Can you tell what Mr. Schaffel is 8755

doing at that time?
A. He's working on the -- he's working on the questions and answers.
Q. Did you actually see documents that you believed to be questions and answers?
A. Well, initially they were just questions, because they were sent over by Ian Drew. And then they became questions and answers.
Q. Now, you say "were sent over by Ian Drew." Ian Drew was actually there at that time. Do you mean sometime prior to this interview?
A. Oh, yeah, because Ian was upset that Marc hadn't responded to him right away.
MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.
THE COURT: Strike the last sentence.
Q. BY MR. ZONEN: Were questions received by Marc Schaffel at Neverland Valley Entertainment headquarters, at Mr. Schaffel's residence, prior to the commencement of this interview?
A. Yes. 100 questions.
Q. Did those questions also contain suggested answers?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you see the questions at the time they came from Mr. Drew?
A. He printed them and had them on the desk. 8756

Q. And you looked at them?
A. Yeah, I just looked at them quickly.
Q. You were able to see how many questions roughly; is that correct?
A. Well, yeah, there was 100. There was about 100. 90 to 100.
Q. Were they numbered, the questions?
A. Well, actually, Marc complained there were so many questions. I said, “How many questions?” And he said, “About 100.”
Q. All right. But you did actually look at it at one point?
A. Yes. It was sitting on his desk.
Q. And at that time that it came in, were there answers associated with those questions?
A. Not at the time.
Q. At a later time, were there answers associated with those questions?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you see the document at a later time?
A. Yes.
Q. Did that document change over time?
A. Uh-huh.
Q. How did it change?
A. There was answers.
Q. Prior to the commencement of this interview, 8757

were there answers as part of that document?
A. Well, it was changing. So Ian Drew sent over the questions. And it changed. And then there were answers.
Q. During the course of the interview, what was Mr. Schaffel's involvement?
A. He was like the producer. He was like the director.
Q. All right. Was he making any suggestions one way or the other?
A. Oh, yeah.
Q. In what way?
MR. MESEREAU: Objection; hearsay.
THE COURT: Is that a request for him to repeat what was said or -- I'll ask for a different question.
MR. ZONEN: I'm sorry --
THE COURT: "In what way" is the question I find vague.
MR. ZONEN: All right.
Q. What was Mr. Schaffel saying to Debbie Rowe during the course of this interview?
MR. MESEREAU: Objection; hearsay.
THE COURT: It's overly broad. It's sustained.
Q. BY MR. ZONEN: Was Mr. Schaffel making any suggestions as to how to answer the questions to Debbie Rowe? 8758

MR. MESEREAU: Objection as leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: In what way? What was he saying?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: It's not for the truth of the matter stated.
THE COURT: The objection is overruled.
Q. BY MR. ZONEN: Tell us in what way.
A. He would prod her to do it better or say it better, like any producer would.
Q. How often did he do that with regards to the questions, the frequency with which the questions were asked? How often would he offer suggestions?
A. A lot. That's what -- he was there the whole time and he was working on things at the same time. He would write things and scratch it out and then she would redo it.
Q. Was Debbie Rowe responsive to his suggestions?
A. Yes.
Q. Was she changing her answers in accordance with his directions?
MR. MESEREAU: Objection. Hearsay and leading.
THE COURT: Calls for a conclusion. 8759

Sustained.
Q. BY MR. ZONEN: Did she make changes in any answers at any time during those interviews?
MR. MESEREAU: Objection. Foundation; hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you hear any discussions about --
THE COURT: It's not the foundation. You're asking him to conclude, when she says A and then says B, that that's a change in testimony. Not in testimony, but in statement. So it's opinion, and I'm not allowing that.
MR. ZONEN: Okay.
THE COURT: If you want to give some examples --
MR. ZONEN: I can do that.
THE COURT: -- you can do that.
Q. BY MR. ZONEN: Mr. Provencio, were there some subject matters that you recall at this time that were the subject of this discussion -- this interview?
A. Yeah, well, like when she was --
MR. MESEREAU: Objection; nonresponsive.
Q. BY MR. ZONEN: That's "yes" or "no."
A. Yes.
MR. MESEREAU: Move to strike.
Q. BY MR. ZONEN: Do you recall specifically 8760

that there was a discussion about the quality of Mr. Jackson's parenting of his children?
MR. MESEREAU: Objection; leading.
MR. ZONEN: For a reason.
THE COURT: The objection is overruled.
Q. BY MR. ZONEN: Were there any discussions about the quality of Mr. Jackson's parenting of his children?
A. Well, that Debbie said?
Q. Questions that were put to Debbie Rowe about exactly that.
A. Yes.
Q. Were those questions subject to Mr. Schaffel's suggestions?
A. Yes, because he would --
MR. MESEREAU: Objection. Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: All right. What -- do you remember a question in specific that dealt with that topic that was eventually commented on by Mr. Schaffel?
A. That Michael was a good father, and then he said, "You're going to see your kids."
Q. Do you recall having heard that?
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Sustained. The question was 8761

whether or not you remember a question, not what the response was.
THE WITNESS: Okay.
Q. BY MR. ZONEN: All right. Let me -- was there an answer specifically that Debbie Rowe gave to that issue of the quality of Mr. Jackson's parenting that Mr. Schaffel wanted to change?
MR. MESEREAU: Objection. Calls for speculation, hearsay, and a conclusion.
THE COURT: Sustained.
Q. BY MR. ZONEN: Was there a conversation about her seeing her children?
A. Well --
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: You may answer.
A. He said, "You're going to see your kids soon."
MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.
THE COURT: It's stricken.
Q. BY MR. ZONEN: Well, but the answer would be "yes" or "no." Was there a conversation specifically about her kids?
A. Yes.
Q. What did Mr. Schaffel say to her about her kids?
MR. MESEREAU: Objection; hearsay. 8762

THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. That, “You were doing good. You are going to see them soon,” or something like that.
Q. Were there times when you were watching this interview when Miss Rowe was crying?
A. Yes.
Q. Was there any discussion between Mr. Schaffel and Ms. Rowe about her crying at other times?
A. Yes.
Q. Would you explain that to us, please?
MR. MESEREAU: Objection. Hearsay; vague.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead.
THE WITNESS: Can you say it again?
MR. ZONEN: Perhaps the court reporter would read it back.
(Record read.)
THE WITNESS: Okay. He thought she could cry better.
Q. BY MR. ZONEN: And did they do the scene again?
A. Pretty much, yeah. Well, not “pretty much.” They did.
Q. And did she cry when they redid it?
A. She cried better. 8763

1 Q. She cried better.
2 Did you eventually see this production of
3 the Maury Povich rebuttal?
4 A. Yes.
5 Q. Were there, in fact, scenes of Debbie Rowe
6 in this production?
7 A. Yes.
8 Q. Were any of the scenes including -- which
9 included her crying?
10 A. Yeah, there was like a crying scene.
11 Q. During the course of the interview, did you
12 receive phone calls at the house from a Mark
13 Geragos?
14 A. Yes.
15 Q. Were you able to overhear those
16 conversations?
17 A. Well, he would -- he would get on the phone
18 with Marc.
19 Q. “Yes” or “no.”
20 A. Yes, sorry.
21 Q. You were able to overhear the conversations?
22 A. Yes.
23 Q. How could you overhear the conversations?
24 A. Because sometimes they were on speakerphone,
25 and sometimes -- you know, he just --
26 Q. Did he call more than once?
27 A. Oh, yeah.
28 Q. And can you give us a sense of how often he 8764

called, how frequently he called during that time?
A. Well, he was calling -- in a week's time, he was calling three or four times that I would know for sure that was him, because I could hear his voice. And then -- and then if Vinnie was there, he called a lot.
Q. All right. And we're talking at the moment during the course of the interview, the Debbie Rowe interview.
A. Oh. If we're talking towards the interview, he was calling a couple of times, yes.
Q. Vinnie was not there during that interview; is that correct?
A. I don't believe he was, no.
Q. But at subsequent times Vinnie was --
"Vinnie" is Vinnie Amen; is that right?
A. Vinnie Amen.
Q. And Vinnie was there at the house subsequent to that interview; is that correct?
A. Yes.
Q. And you testified that there were conversations with Mr. Geragos and Vinnie Amen?
A. Correct.
MR. ZONEN: Your Honor, this might be a good time to take a break, if that's okay.
THE COURT: All right. We'll take our break.
(Recess taken.)
--o0o-- 8765

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 8704 through 8765 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 4, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 4, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 4, 2005

8:30 A.M.

(PAGES 8767 THROUGH 8966)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 8767

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
Provencio, Rudy R.	8792-M	8908-Z	8936-M	
	8947-Z (Further)			

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 45 Photo of Dale Couture 8960
5 46 Photo of Dale Couture 8960
6 47 Photo of Jordan Graham 8960
7 219-222 Calabasas Country Inn & Suites records 8950 8950
8 250 Xtra Jet/Chris Tucker records 8950
9 294 Document from inside Exhibit
10 No. 288, 12 pages, with M.J. initials on each page 8955
11 349 Orange-colored plastic bottle 8956
12 401 Marc Schaffel's Rudy Provencio
13 file 8951
14 405 Marc Schaffel's files 8951
15 409 Marc Schaffel's Christian Robinson file 8951
16 410 Marc Schaffel's address book
17 file 8951
18 413 Marc Schaffel's model releases file 8951
19 625 Collection of letters to
20 Attorney Geragos and one letter from Attorney Geragos 8957
21 823-826 VHS tapes 8959
22 827 Audio cassette tape 8959
23 828 Audio cassette tape 8959
24 829 Mini video cassette tape 8959
25 887 "Invincible" CD 8771 8773
26
27
28 8770

Q. BY MR. ZONEN: Mr. Provencio, did you ever become aware of a CD that was produced by Michael Jackson?
A JUROR: Your microphone.
MR. ZONEN: I'm in my own world today.
Q. Did you ever become aware of a CD that was produced by Michael Jackson entitled "Invincible"?
A. The album "Invincible," yes.
Q. Do they still call them "albums" nowadays?
A. Yeah, CDs, albums.
Q. Are there actually people who remember albums?
A. Yeah, I hope so.
Q. Did you have an opportunity to take a look at it?
A. Oh, yeah. Yes.
Q. Did you look at the credits that are contained in it?
A. Oh, yeah. Marc gloated over it.
MR. MESEREAU: Objection; move to strike.
THE COURT: Stricken, the last sentence.
Q. BY MR. ZONEN: I'd like to show you Exhibit 887, please. Is that, in fact, the CD "Invincible" produced by Mr. Jackson?
A. Yes.
Q. Was that published during the course of your employment with Neverland Valley Entertainment?
A. Yes, but it was a Sony record. 8771

Q. A Sony production?
A. Yes, it's a Sony record.
Q. All right. Are there credits that are published along with that CD?
A. Yes.
Q. And did you have an opportunity to look at them?
A. Oh, many times.
Q. All right. Is there, in fact, a credit there to Marc Schaffel?
A. Yes.
Q. Could you read that to us?
A. "Marc Schaffel: Thank you for all your help. I love you, Michael."
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: I'm sorry, the -- we heard the, "Thank you for all your help." What's the next part?
A. "Thank you for all your help. I love you, Michael."
Q. Is there also a credit to the Cascio family, including Frank Cascio?
A. Yes.
Q. And did you find that?
A. Yes. "Frank" --
Q. What does that say?
A. "Frank: Thank you for all your help, love 8772

1 and support. You are my true friend and family.
2 (Stop fishing). I love you, Michael."
3 Q. Is there a separate credit to the Cascio
4 family, other members of the Cascio family besides
5 Frank?
6 A. There is. Let me look for it. Hold on.
7 Q. Okay.
8 A. Oh, yes. "Special thanks to Connie (Momma
9 Rubba)" -- I think that's a -- oh, "Angel and Frank,
10 my other family."
11 Q. Is there a credit there to Bob Jones?
12 A. Yes.
13 Q. What does that say?
14 A. Let me find it.
15 "Special thanks and appreciation to Bob
16 Jones for your continuing support and love over the
17 years. Love, Michael Jackson."
18 Q. Do you know when "Invincible" came out?
19 A. 2001.
20 MR. ZONEN: All right. I'd move into
21 evidence Exhibit No. 887.
22 MR. MESEREAU: No objection.
23 MR. ZONEN: May I approach the witness? I'd
24 like to show some other exhibits.
25 THE COURT: It's admitted. Yes.
26 You're stepping on my lines here.
27 Q. BY MR. ZONEN: Let me put this notebook in
28 front of you, if I may, and with the admonition that 8773

it's --
A. Oh, the water spilled.
Thank you. Okay.
Q. I'd like to direct your attention to Exhibit
No. 400 that's before you here. And with the
admonition as we turn each page, do it gingerly,
because it gets caught in the binder.
No. 400 is the document that's currently in
front of you. Do you recognize that document?
A. Yes.
Q. What is that document?
A. The work agreement.
Q. And was that -- a work agreement for whom?
A. For Marc, I believe, yes.
Q. Okay. At Neverland Valley Entertainment?
A. Correct.
Q. Was that kept at Mr. Schaffel's offices at
his home?
A. Yes, in the filing cabinet.
Q. And you've seen that document before, have
you?
A. Yeah. It was -- it's been -- it's laid out
a couple of times, too.
Q. No. 401, please. 401, consisting of one,
two, three and four pages, do you know what these
pages are?
A. This is the agreement where Michael gives
Marc the song and gives me a point on the record, on 8774

1 “What More Can I Give?”
2 Q. And this was kept at Mr. Schaffel’s
3 residence, the offices to Neverland Valley
4 Entertainment?
5 A. Yes, and I had a copy as well.
6 Q. Exhibit No. 402. Tell us, please, what 402
7 is.
8 A. It’s the reports on basically money that
9 we’re spending, receipts, and what we’ve been
10 spending on, you know, production people for the
11 record, Brad Buxer, Bruce Swedien, who was a
12 production person for “What More Can I Give?”
13 Q. Did you participate in putting these
14 compilation figures together?
15 A. Yeah, parts. And then -- we would work on
16 parts and then bring it all together, because we had
17 to hunt down receipts and just do what you do in any
18 kind of an office.
19 Q. Was this document, No. 402, kept at
20 Neverland Valley Entertainment offices at Mr.
21 Schaffel’s residence as well?
22 A. Yes, that’s part of how we’d track money.
23 Q. And was that where you and Mr. Schaffel
24 compiled those figures?
25 A. Yes.
26 Q. Going to No. 405, please.
27 A. Uh-huh.
28 Q. The document, No. 405, with the name, at the 8775

upper left-hand, of “Bell Yard,” had you ever seen that document before?
A. Yes.
Q. And where did you see that document?
A. Laying around in the office.
Q. Did you have any discussions with Mr. Schaffel concerning the content of that document at any time?
A. I just concerned -- I was just concerned for the family --
Q. Hold on a second. It’s a “yes” or “no.”
A. Yes.
Q. Yes, you did have a conversation with Mr. Schaffel concerning that document?
A. Yes.
Q. Do you recall at what time that was? When, approximately, in terms of month, year?
A. February 2003.
Q. Now, I -- let me correct something while I remember to do so.
The telephone conference calls that you referred to --
A. Uh-huh.
Q. -- the two of them, where you were listening in on those two conference calls, were at the beginning of what month?
A. February.
Q. It was February 1st and February 2nd? 8776

A. 2nd, 3rd.
Q. Or 2nd or 3rd was the other one?
A. Yes.
Q. 2003?
A. 2003.
Q. I may have said “January” early on. Do you have a recollection of that at all?
A. January was when the transcript was sent.
Q. All right. So the conference calls were at the beginning of February?
A. Correct.
Q. All right. I take you now to Exhibit 409. What is this, please?
A. Oh, this is the thing we would -- basically we had a wall where we just stuck people’s numbers on so that everybody knew who they were when they called and how to get ahold of them.
Q. And the wall was where?
A. Right there in Marc’s office. There was an extra space right there for someone to work on the other computer.
Q. Do you know who compiled those documents?
A. Well, we all did, pretty much. We would write them down and then -- this one looks like it was done by Marc or Christian.
Q. Okay.
A. So --
Q. And the -- this document contains a phone 8777

number and the name of Gavin Arvizo; is that correct?
A. Yes.
Q. Showing you now No. 410, please. Tell us what 410 is.
A. It's the same thing. Basically phone numbers and -- of people we need to know. David LeGrand, Ronald Konitzer. You know, if they called, so you would recognize numbers and know to patch them in to Marc right away.
Q. And did this also include the name Gavin "Orvizo," spelled O-r-v-i-z-o?
A. Yeah.
Q. We are in Exhibit No. 413, and 413 is a piece of paper, yellow legal pad, that has handwriting writing on it. Do you recognize the handwriting of Exhibit No. 413?
A. Yeah, it's Vinnie's.
Q. This is 413, specifically page six. That's Vinnie's handwriting?
A. Yes.
Q. And you've seen his handwriting before?
A. Many times. He always writes in notebooks.
Q. Let's see if we can get to the very back of that. Let's just do that.
A. No, I can just hold it.
Q. All right. Showing you Exhibit no. 423 then, which is a collection of pages -- 8778

A. Uh-huh.
Q. -- do you recognize these documents?
A. Yes. They're the Parviz documents.
Q. The entire collection of documents?
A. Yes. I mean, these are what Parviz had to sign and Marc had to sign and Michael had to sign.
Q. And you had testified to those documents yesterday; is that correct?
A. Right, because we went there twice.
Q. And where was that collection of documents kept?
A. In the office.
Q. Was there a particular file it was kept in?
A. Well, yeah, it had a -- I think it was just the Parviz loan file.
Q. It was kept in the office at Mr. Schaffel's residence?
A. Yes, in the filing cabinet.
Q. Thank you. Go ahead and --
A. Shut it all?
Q. Well, leave it like that. I'll take care of it.
In the early days of Neverland Valley Entertainment after you had started up and until the time that Marc Schaffel was formally fired, were you involved in meetings or conference calls with Michael Jackson?
A. Yes. 8779

Q. Was he involved in the business decisions of Neverland Valley Entertainment?
A. Absolutely.
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
MR. ZONEN: All right.
Q. Were you able to watch Mr. Jackson's participation in meetings that were held between Mr. Jackson and Mr. Schaffel?
A. Yes.
Q. All right. Were you able to listen to the interaction between the two of them?
A. Yes.
Q. Were you able to listen and understand the content of the dialogue between the two of them?
A. Oh, yeah, because it was business.
Q. All right. And did those conversations take place with some level of frequency?
A. Yes. I mean -- yes.
Q. And did you hear all of them when they did?
A. Not all of them, no.
Q. What percentage of conversations were you a witness to?
A. Well, if we had a face-to-face meeting, is that what you're saying?
Q. Yes. Yes.
A. I was there with those meetings, with him and Michael. 8780

Q. How many face-to-face meetings did you have
with Michael Jackson and Mr. Schaffel?
A. There was three at The Beverly Hills Hotel.
Two at The Universal Hilton. And then all the ones
in the studio, when Michael would come to the
studio.
Q. And how many times did that happen?
A. Four. Maybe four, five times maybe.
Q. As to all of those meetings, was business
discussed?
A. Excuse me?
Q. As to all of those meetings, was there a
discussion of business matters?
A. Yes, my situation with Michael was always
business, just business.
Q. Was Michael Jackson actively involved in the
business of Neverland Valley Entertainment?
A. Yes.
Q. In what way?
A. He was the captain at the helm.
Q. All right. And what do you mean by that?
A. He had to make the decisions. It was
Michael Jackson's project, "What More Can I Give?"
Michael and Marc's.
Q. I want to move back now to February of --
February and March of 2003.
A. Uh-huh.
Q. Did you have a discussion with anyone among 8781

1 the people who -- may I have just one second?
2 Did you have a discussion with anyone among
3 the people who were working for Michael Jackson
4 where the words or word “killers” became part of the
5 conversation?
6 MR. MESEREAU: Objection; leading.
7 THE COURT: Overruled.
8 You may answer.
9 THE WITNESS: Yes.
10 Q. BY MR. ZONEN: All right. With whom did you
11 have that discussion?
12 A. With Marc and Vinnie.
13 Q. All right. Who was the first person with
14 whom you had that discussion?
15 A. Marc.
16 Q. And where were you at the time of that
17 discussion?
18 A. I was in his office.
19 Q. Do you remember when that was? Can you tell
20 us as to the best of your recollection?
21 A. It was right -- right after the Arvizos came
22 to the house the first time.
23 Q. Did the Arvizos actually come to the house?
24 A. Oh, yeah. Twice.
25 Q. On more than one occasion?
26 A. That I saw, twice.
27 Q. Did they ever actually come into the house?
28 A. Yes. 8782

Q. Did you ever meet them?
A. Well, I pointed to the bathroom.
Q. Okay.
A. When Gavin -- or the boy came in.
Q. All right. Did other members of the Arvizo family come into the house besides Gavin?
A. Yes. They were in the car.
Q. Did they actually come into the house?
A. No.
Q. All right. Was Gavin the only member of the family to actually come into the house?
A. That I saw, yeah.
Q. Do you remember when those two visits were?
A. Had to have been -- well, I don't remember exactly the date, but I remember when they came, you know.
Q. Do you remember if it was still in February of '03?
A. Oh, it was in February for sure.
Q. Do you remember how far apart these two visits were?
A. They were pretty close because they were going shopping.
Q. Did you ever see the other members of the family besides Gavin?
A. Yes, the young girl.
Q. Did you ever see the mother?
A. No.

Q. Were you ever introduced to any of them?
A. No.
Q. Now, I asked you the question about the discussion of the word “killer” or “killers” --
A. Uh-huh.
Q. -- and you said that it was Frank -- excuse me, you said it was Marc Schaffel --
A. Marc and Vinnie.
Q. -- and Vinnie.
Tell me about the conversation with Marc Schaffel involving the word “killer.”
A. Well --
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead.
A. He said -- he made a flippant remark about the “killers,” and I was kind of trying to figure out what was happening here. So I said to him, I said, “Well, what killers?” And he said, “The killers that are after the Arvizos.” And I think I’m pronouncing the name right. And I said, “Um,” because I thought, “Well, maybe I should be” --
MR. MESEREAU: Objection. Nonresponsive; narrative.
THE COURT: Narrative; sustained.
Q. BY MR. ZONEN: All right. He said the killers that were after the Arvizos; is that correct? 8784

A. Correct.
Q. Did he say anything else about the killers?
A. No, that was the first time I was hearing about it, so -- it was a flippant remark.
Q. Did you ever hear the word “killers” prior to that?
A. Never.
Q. Did you ask him about that, to explain further?
A. Yes.
Q. And what did you ask him?
A. I said, “Who are the killers?”
Q. And what did he say?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: What did he say?
A. He says, “The killers that are after the family.” I mean, he didn’t really go into it. That was the first time I was hearing about it. So --
Q. Did he offer any further explanation?
A. No. That’s what was alarming, because --
MR. MESEREAU: Objection; move to strike.
THE COURT: Strike the last sentence.
Q. BY MR. ZONEN: Were you alarmed by those comments?
A. Absolutely.
Q. Did you ask him for any further explanation? 8785

A. No. Because I didn't know -- I didn't know -- it was just an alarming situation.
Q. What was the tone of that --
MR. MESEREAU: Objection; move to strike.
THE COURT: Overruled. Next --
Q. BY MR. ZONEN: What was the tone of his comments?
A. The comment about "the killers"?
Q. Yes.
A. Just flippant, like it was nothing. Like, "Oh, the killers."
Q. And that conversation lasted for approximately how long?
A. 15 seconds, I guess.
Q. Okay.
A. I mean, it just didn't go on that long. It was just "the killers." And I was --
Q. Did you ever pursue that conversation with anybody else?
A. Yes.
Q. Was that Vinnie?
A. Yes, it was Vinnie.
Q. Approximately how long after your conversation with Marc Schaffel was it that you had the conversation with Vinnie?
A. I raced over to the phone and picked up the phone and called him.
Q. So immediately? 8786

A. Immediately.
Q. All right. What did you ask Vinnie?
A. “Who the heck are the killers?”
Q. What did he say?
A. He goes, “There are no killers.”
Q. Did he say anything beyond that?
A. He said that -- that they were calling him a faggot at school, and that was really it. It was just so -- it was another kid or something, I don’t know. But he just said that they were calling him a faggot at school, so....
Q. Was that the end of that conversation?
A. Pretty much.
Q. Did you have a conversation with anybody among the people who worked for Michael Jackson at that time about escape or escaping from Neverland?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. ZONEN: All right. With whom did you have that conversation?
A. With Marc and Vinnie again.
Q. Okay. At the same time, or at separate times?
A. Separate times.
Q. With whom did you first speak about that subject?
A. Marc. 8787

Q. And what did Marc say to you?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: What did he say to you?
A. “I can’t talk right now. They just escaped.”
Q. Was there any further discussion with him at that point?
A. No, he just got off the phone. It was kind of ugly.
Q. You were talking to him over the telephone?
A. Yes.
Q. All right. Did he make any further qualifications on that?
A. No.
Q. Did you have -- but the word “escaped” was the word he used?
A. He used “escaped.”
Q. Okay. Do you know when this conversation took place, as best you can recall?
A. Yes. I was -- my dad was -- I was taking care of my dad because he was dying of liver cancer, so I was taking care of him at his house, so I called on the phone.
Q. And his house was where?
A. In Michigan.
Q. And so your conversation was with Mr. Schaffel by telephone? 8788

A. Yes.
Q. Do you remember what period of time you were tending to your father's needs in Michigan?
A. It would have been March, the first of March, like around the 6th or 7th, something around there.
Q. The early part of March?
A. Yeah, it was the 6th. I think it was the 6th or 7th.
Q. Are those to the best of your recollection, the dates?
A. Oh, I remember. You don't forget "escape."
MR. MESEREAU: Objection; move to strike.
Q. BY MR. ZONEN: No, I understand the content of the conversation, but the date.
THE COURT: Sustained.
THE WITNESS: Yes, the date. Sorry.
Q. BY MR. ZONEN: Now, did you follow up that conversation, on the question of escape, with anybody else?
A. I didn't bring it up. I just called Vinnie.
Q. All right. Was this one of those things where you did it again immediately after?
A. Yes, I did it often, to see what the truth was.
MR. MESEREAU: Objection. Move to strike; nonresponsive.
THE COURT: I'll strike the last voluntary 8789

clause.
Q. BY MR. ZONEN: Did you, in fact, call Vinnie soon after your conversation with Mr. Schaffel where the word “escaped” was used?
A. Yes.
Q. All right. Did you have a conversation with Vinnie about that particular word?
A. It was just very quick.
Q. What did you ask Vinnie, and what did he tell you?
MR. MESEREAU: Objection. Hearsay; compound.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead.
A. He essentially was panicked and said he couldn’t talk right now because the family just escaped.
Q. He said that as well?
A. Yeah, pretty much the same thing.
Q. Did you ask him for any clarification on that as well?
A. No, because I was kind of relieved.
Q. I’m sorry?
A. I was relieved.
MR. MESEREAU: Objection. Move to strike; nonresponsive.
THE COURT: After “No,” I’ll strike that. 8790

Q. BY MR. ZONEN: All right. Did he offer any other commentary or -- commentary or explanation?
A. No. He just wanted to get off the phone.
Q. And did you get off the phone?
A. Yes.
Q. All right. When did you leave Neverland Valley Entertainment?
A. The beginning of March.
Q. Did you complete your contract with them?
A. Yes.
Q. Were you paid everything in accordance with your contract?
A. Yes. I received my last check on the 25th of February.
Q. And the point that you had, you had already given back to Mr. Jackson?
A. Yes.
MR. ZONEN: Thank you. I have no further questions.
Hold on just one second, Mr. Mesereau.
Excuse me. Your Honor, if I could have just one moment.
THE COURT: Yes.
MR. ZONEN: No further questions. Thank you, Your Honor.
MR. MESEREAU: May I just take a second, Your Honor?
THE COURT: Yes. 8791

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning.
A. Hello.
Q. Mr. Provencio, we haven't spoken before. My name is Tom Mesereau, and I speak for Mr. Jackson, okay?
A. Okay.
Q. Now, you referred to your taking notes in response to the prosecutor's questions, correct?
A. Could you repeat that, please?
Q. Yes. Did you make a reference in response to one of the prosecutor's questions to taking notes?
A. I've always taken notes, yes.
Q. And could you please explain what you mean by that?
A. By always taking notes?
Q. Yes.
A. I take notes -- I have been taking notes in journals since I was a teenager.
Q. And do you take notes about every phone call you make?
A. No. Not every single one.
Q. Do you take notes of some phone calls that you make?
A. Ones that I think are important.
Q. Okay. When did you first talk to any 8792

representative of the Santa Barbara sheriffs about this case?
A. When -- let's see. That would have been, oh, gosh, a couple months after Michael's house was raided.
Q. And that would be when, do you think?
A. That would have been 2000 -- 2004.
Q. And do you recall where that interview took place?
A. Interview?
Q. Yes. Was it an interview?
A. No, that was they came to my place.
Q. And did you talk?
A. Yeah.
Q. Was it an interview?
A. No, I just told them, "You can have whatever you want."
Q. Did they ask you any questions?
A. Yes.
Q. Did you answer the questions?
A. Yes, sir.
Q. Okay. And approximately how long was that discussion, if you know?
A. Maybe -- well, you know, I was pretty nervous. Probably 30 minutes.
Q. Did they ask you questions about Mr. Jackson?
A. Yeah. They asked me, you know, basic 8793

1 questions in regards to, you know, “How well do you
2 know him?” And, “Do you have any information in
3 regards to what we’re investigating?” or “You saw,”
4 you know, “on the news,” or whatever.
5 Q. Did you tell them when you first met the
6 Arvizo family?
7 A. At that meeting?
8 Q. Yes.
9 A. Did I tell them when I first met them?
10 Q. Yes.
11 A. No, not at that meeting, I don’t believe.
12 Q. When did you first meet the Arvizo family?
13 A. I never met them, other than showed Gavin
14 the bathroom.
15 Q. When did you first meet them?
16 MR. ZONEN: Asked and answered.
17 THE COURT: Sustained.
18 Q. BY MR. MESEREAU: When you showed Gavin the
19 bathroom, did you meet the family?
20 MR. ZONEN: Objection; asked and answered
21 THE WITNESS: Not the family. Just Gavin.
22 Q. BY MR. MESEREAU: Was Gavin the only one --
23 THE COURT: Just a minute.
24 MR. MESEREAU: I’m sorry.
25 THE COURT: The objection is overruled. Next
26 question.
27 Q. BY MR. MESEREAU: Was Gavin the only member
28 of the Arvizo family that you met that day? 8794

A. Yes.
Q. And where did you meet him?
A. Downstairs in Neverland Valley
Entertainment.
Q. And “downstairs” is in the home of Marc
Schaffel, true?
A. Right.
Q. Was any other member of the Arvizo family
present that day, to your knowledge?
A. Yes. They were -- yes.
Q. And who were they?
A. It was -- it was that girl, Star, I think is
her name, yeah. And then whoever was in the car. I
couldn’t see in the car. I didn’t look in the car.
Q. Do you know approximately when that
happened?
A. February.
Q. February of when?
A. Middle of February.
Q. Okay. Would that be 2003?
A. 2003.
Q. Okay. Were you making notes about the
Arvizos at that point in time?
A. Yes. Because there was a slanderous thing
that was said against them.
Q. Okay. And this -- the slanderous thing was
said when?
A. Was -- was the first -- first time they came 8795

over.
Q. And approximately when was that?
A. February 2003.
Q. Okay. Do you know the date, approximately?
A. The middle of February I'm thinking.
Q. Was it after the Bashir documentary had aired?
A. I believe so. Possibly -- well, honestly, I won't say yes, because I know it was in February, but things are moving so quickly, so I think I'd have to tell you that I'm -- I guess I would say I'm uncertain.
Q. Did you have any reason to meet them before the Bashir documentary had aired?
A. No. I just knew they were nice people. That's what they said.
Q. I understand that. But you met them after the Bashir documentary aired, true?
A. Yes.
MR. ZONEN: Objection; assumes facts not in evidence, that he met them.
MR. MESEREAU: I'll rephrase it, Your Honor.
THE COURT: All right.
Q. BY MR. MESEREAU: Did you meet Janet Arvizo after the Bashir documentary aired?
A. No.
Q. Did you meet Janet Arvizo before the Bashir documentary aired? 8796

A. No.
Q. Didn’t you just say she’s a nice person?
A. They said she was a nice person.
Q. Did you meet Gavin Arvizo after the Bashir documentary aired?
A. Yes.
Q. Did you meet Davellin Arvizo, his sister, after the Bashir documentary aired?
A. No.
Q. Did you ever meet Davellin Arvizo?
A. No.
Q. Did you ever meet Star Arvizo?
A. Saw her.
Q. Excuse me?
A. Didn’t meet her, no.
Q. Okay. Is Gavin Arvizo the only member of the Arvizo family you ever met personally?
A. Yes.
Q. Okay. And that was at Mr. Schaffel’s house, correct?
A. Yes. As I pointed to the bathroom.
Q. And he was alone, to your knowledge?
A. Well, Vinnie had come in.
Q. Okay. And he was with Vinnie, right?
A. Correct.
Q. All right. Now, the conversation that you’ve described about killers --
A. Uh-huh. 8797

Q. -- happened approximately when, to your knowledge?
A. It was soon after the second visit. So that would have been mid-February.
Q. Okay. And to your knowledge, was that after the Bashir documentary had aired?
A. In America -- I think the Bashir thing aired the 5th or 6th in America. So, yes, that would be afterwards.
Q. Okay. And is it your recollection that the discussion about so-called killers happened after you saw the Bashir documentary?
A. After I saw the Bashir documentary, did the word “killers” come into dialogue with other people and I heard it? Is that what you’re saying?
Q. Yes. Yes.
A. Yes.
Q. Okay. Was it your belief that the discussion about killers that you heard with Schaffel and Vinnie in some way related to the Bashir documentary?
A. Well, it would have to be, because they’re saying it, and they’re around, so that would make sense, yes.
Q. And were you taking notes about your discussions with any member of the Arvizo family?
A. I didn’t have a discussion with the Arvizo family. I showed him the bathroom. Is that what 8798

you mean?
Q. Did you take notes about any discussion you had with Schaffel concerning the Arvizos?
A. Yes. He called them “stupid Mexicans,” so I wrote it down.
Q. Did you write that down?
A. Yeah, it’s in my notes.
Q. Okay. And did you write down any notes about what Vinnie said about killers?
A. Well, he said there were no killers.
Q. Did you write that down in your notes?
A. I believe so.
Q. Would you write your notes down shortly after you heard these discussions?
A. Yeah. Typically -- well, this is the notebook. So I would write it -- if I had the notebook in my hand, I would write it and then -- or as soon as I could go and write something, I would write it. I was concerned that something might be wrong with the family.
Q. And because of your wonderful concern for the family, you were writing notes down?
MR. ZONEN: I’m going to object as argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Because of your concern for the family, you were taking contemporaneous notes, true? 8799

A. For my concern for the family, I took notes,
because I wanted to see what was happening.
Q. Okay. That was your only purpose, correct?
A. Well, I thought it was fishy. And so much
was moving so quickly, that if I didn't write things
down, I wouldn't remember things, so I wrote them
down as they were happening.
Q. And your only purpose was a concern for the
family, true?
A. Well, yeah. Because I just wanted to know
what was happening. Something fishy was going on.
Q. No, I understand, I understand. And because
something fishy was going on, you thought you would
just take notes of everything that was happening,
right?
A. I took notes because I knew things were
moving so quickly, that unless I kept track of what
was going on -- I wasn't sure what was happening
with this family, because people were all saying
different things.
Q. I understand. And have you ever discussed
the possibility of writing a book based on your
notes?
A. No.
Q. When you first met the sheriffs, did you
tell them you had taken notes?
A. At first, maybe, probably not. I didn't
want to get involved really. 8800

Q. I see. And did you continue to take notes about what was going on around Mr. Jackson?
A. Around Mr. Jackson?
Q. Yes.
A. I take notes anyways. Of everything. For my life; I mean, for who I am. It helps me become a better person.
Q. And you do that every day?
A. Not every single day.
Q. Every other day?
A. Couple times a week.
Q. Have you at any point, when you wrote notes about this investigation, gone backward and wrote about what happened, say, months before?
A. No.
Q. Have all of your notes been taken about the time you described these events in the notes?
A. Yeah. That's why they seem kind of scrambled, because I just frantically write and I never meant for anybody to read them. They were just for me to understand.
Q. And you wrote notes about the word "killers," right?
A. Yeah. I believe I did, yes.
Q. You wrote notes about how you thought the Arvizos used to be good people, right?
A. Yes. But those were their words, so I was just writing down what they had said. 8801

Q. Okay. And when you wrote those notes, you thought the Arvizos used to be good people, right?
A. Well, yeah, until they called them a crack whore, called her a crack whore.
Q. I understand your point.
A. Yeah.
Q. When you wrote the notes that you thought they were good people --
A. Oh, I see what you're saying.
Q. Yes.
A. Oh. I wrote the notes because verbiage started changing around the family. And so I started writing notes during the time, and then afterwards I started writing notes, you know, still.
Q. And you consider your notes to be accurate, right?
A. Well, they were for me, yes.
Q. Yeah. And you thought they were -- everything you wrote down is honest and truthful, right?
A. For --
Q. Yeah.
A. Because I was writing them for me, not for other people to read.
Q. You were just writing them for yourself for therapy, is that the idea?
MR. ZONEN: That's argumentative and I'll object. 8802

THE COURT: Sustained.
Q. BY MR. MESEREAU: And you never went backward months and wrote down --
A. I wrote them --
MR. ZONEN: Object as asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Okay. Mr. Provencio, isn't it true that in your notebook, you claim the word "killers" was used on February 1st, 2003?
A. If that's in my notes, yes.
Q. Sir, that's before the Bashir documentary ever aired. Did you know that?
A. I just wrote it. I heard -- if I heard it, I wrote it. I mean, that's what I did.
Q. Do you remember writing that word down and --
A. I remember writing it down.
Q. On February 1st, 2003?
A. If it's in my notes, I wrote it, yeah.
Q. Do you remember that you put the date "February 1st, 2003"?
A. No, I don't remember that.
Q. Would it refresh your recollection to look at your own notes?
A. Sure, if you want me to.
Q. Sure, please.
A. Okay. Yes, here it is.
Q. Did you write, "Are these killers?" and date 8803

it February 1st, 2003?
A. Well, actually, if you look at it, it's a different paragraph, so I don't really know when that was written specifically. I mean -- because the top part is February the 1st.
Q. And what date do you have above those words, sir?
A. The first paragraph, I have February the 1st. The second paragraph, if you -- if you take a look at the entire page, there's all kinds of information on there that either has a date or it doesn't have a date. These notes were intended as, like, scribbled memory. So parts of it, unless I have a date right there, then I don't know if that second paragraph is exactly when I wrote it, because I wrote these notes for me.
Q. What is the date above those words?
A. The date above the first paragraph?
Q. Yes.
A. Is February 1st. The second paragraph has no date.
Q. Okay. Well, let's look at the first paragraph.
A. Yes, sir.
Q. You say, "I thought they used to be good people," correct?
A. Correct.
Q. You're talking about the Arvizos? 8804

A. Uh-huh.
Q. You'd never met them on February 1st, 2003, right?
A. No. They said they were good people, like I said before.
Q. Did you write down, "I thought they used to be good people" under February 1st, 2003?
A. Yes.
Q. You hadn't met them, correct?
A. I hadn't met them, but that's what they said.
Q. Did you write under February 1st, 2003, "Mom's flipping out about something"?
A. About February 1st, 2003?
Q. Yes.
A. Yes.
Q. You hadn't met the mom, correct?
A. Never met her.
Q. Did you write under February 1st, 2003, "Family-kids"?
A. Yes.
Q. You hadn't met the family or the kids on February 1st, 2003, correct?
A. That's not what it means.
Q. And write below that first paragraph is where you wrote the words, "Who are these killers?" Correct?
A. Yes. 8805

Q. And after that, you wrote, “Nobody but press are calling,” correct?
A. Right.
Q. Okay.
A. Because that was after the transcript on the 24th.
Q. You don’t write down the 24th there, do you?
A. No. You’re right.
Q. Okay. Now, you’ve been taking notes about various conversations you’ve had with people you think are associated with this case, correct?
A. Yes.
Q. And at one point you were recording conversations with various people you think are associated with this case, correct?
A. Correct.
Q. How many people’s conversations do you think you recorded of people you think are associated with this case, sir?
A. Three, four.
Q. A lot more than that, wasn’t it?
A. Well, if you count my grandma. She’s on -- you know, but it comes on automatically sometimes.
Q. I understand that. Let’s look at Ms. Milofsky.
A. Okay.
Q. How many times have you recorded phone conversations with Miss Milofsky? 8806

A. A few times. Quite a few times.
Q. How many?
A. I don't know. Quite a few times.
Q. Can you give an estimate?
A. No, just -- I can tell you it's quite a few times.
Q. Ten?
A. Probably a little more than that.
Q. 20?
A. Probably -- yeah, something like that, probably.
Q. 30?
A. No. 30, come on. 10, 15. Something like that.
Q. Okay. How about Vinnie? How many times have you recorded phone conversations with --
A. A few times, yeah.
Q. How many?
A. Less than ten probably.
Q. How about Schaffel?
A. Quite a few times.
Q. How many do you think?
A. Probably 10, 20, probably.
Q. 10 or 20?
A. Probably ten. I would say ten.
Q. So now we're up to about 40 you've recorded, correct?
A. Well, yeah, I was cooperating with the 8807

police.
Q. Yeah.
A. Law enforcement.
Q. You were doing it before then, weren't you?
A. Was I doing it before that?
Q. Yeah.
A. With -- cooperating with the police?
Q. You were recording people before you started cooperating with the police, were you not?
A. No, I don't think so.
Q. You sure?
A. I'm pretty sure.
Q. Did you go to the police at some point and say, "I recorded people"?
A. Oh, I didn't -- did I go to the police?
Q. Yes.
A. Say that question one more time.
Q. Did you ever go to any representative of the sheriff's department and say, "I've recorded people's conversations"?
A. Yes, later on.
Q. Yeah. And then you agreed to keep recording at the request of the sheriffs, true?
A. Yes. For law enforcement.
Q. Yes. How many do you think -- how many phone conversations with people associated with this case do you think you recorded before you revealed that fact to the police? 8808

A. Say that one more time. I'm sorry.
Q. Sure. Maybe I'm not clear.
How many phone conversations with people
associated with this case do you think you recorded
before you told any representative of the sheriffs
about your recordings?
A. So how many people or how many times?
Q. Well, let's start with people, yes.
A. Probably like four or five people. Yeah,
four people.
Q. And how many times?
A. Well, quite a few times. You know, I felt
there was something wrong, so I -- I was, like,
everybody should work with law enforcement. I did
it.
Q. I understand. But you were doing it before
you worked with law enforcement, were you not?
A. No. I did it after.
Q. Did you record anyone's phone conversation
associated with this case before you went to law
enforcement and told them about it?
A. Before I went --
MR. ZONEN: I'll object as vague as to when
he went to law enforcement and told them about it.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When did you first tell
anyone associated with law enforcement, Mr.
Provencio, that you were recording telephone calls? 8809

A. Well, they had asked me if I was willing to cooperate with law enforcement. So I told them later on that I had -- had did, you know, what they had requested.
Q. Did you ever record anyone's call before you got authorization from law enforcement? Anyone.
A. Not to my memory.
Q. You ever recall Schaffel -- did you ever record Schaffel's calls before you went to law enforcement?
A. Not that I can remember.
Q. Are you sure?
A. I'm pretty sure. I believe I bought the recorder after, after the police -- I had contact with the police.
Q. Now, you've testified you were listening in on phone calls --
A. Correct.
Q. -- of Mr. Jackson and Mr. Schaffel, correct?
A. Correct.
Q. You were listening in on phone calls without them knowing about it, true?
A. That's true.
Q. Okay. And you were doing this because you were so concerned that something wrong might be going on; is that correct?
A. Well, it's not that sarcastic, but I was concerned about the family. 8810

Q. Right. Right. But you didn't even know the family, correct?
A. You didn't need to. Something was fishy. Something was going wrong.
Q. I see. And did you call the police immediately and say, "Something wrong is going on"?
A. No, because nobody would believe me. So I --
Q. You just kept working for Schaffel, listening to phone calls, hearing what wrong was going on, and never called the police, right?
A. I was trying to figure out what was going on.
Q. Okay. And when do you think you first spoke to any representative of the sheriffs?
A. It was a couple months, I guess, after Michael's place was raided.
Q. Okay. And Michael's place was raided approximately when?
A. Gosh. Gosh, I know I saw it on T.V. I know the police came to me the first of the year. So it had to have been sometime --
Q. Was it maybe November 2004, something like that?
A. Maybe. Yeah.
MR. SANGER: 2003.
Q. BY MR. MESEREAU: 2003?
A. Oh, yeah, it was around Thanksgiving, wasn't 8811

it? It was around Thanksgiving that the place was raided.
Q. But you're writing in your notes in February of 2003 --
A. Right.
Q. -- your concern about killers and disparaging remarks, correct?
A. Correct.
Q. You waited from February to November to do a good deed and go to the police, right?
A. No. It wasn't like that. It was -- it was basically there was no -- they escaped, so I didn't need to. I was relieved because I didn't need to do anything.
Q. Did you watch them escape, sir?
A. No. They told me they escaped.
Q. Did you watch them escape?
A. No.
Q. Did you know that Janet Arvizo got a body wax that day?
MR. ZONEN: I'm going to object. Objection. Irrelevant; argumentative.
THE COURT: Sustained.
BAILIFF CORTEZ: Microphone's off, sir.
Q. BY MR. MESEREAU: When you heard they escaped, did you call the police and say, "These people are being held"?
A. No, I was relieved at least this portion of 8812

this train wreck was over.
Q. In other words, they'd been held against
their will, they had escaped, so you had no need to
call the police at that point, correct?
MR. ZONEN: Object as argumentative. And
asked and answered.
THE COURT: It's a compound question.
Sustained.
MR. ZONEN: That too.
Q. BY MR. MESEREAU: Let me try and ascertain
your state of knowledge, sir. When you say this
escape took place --
A. Uh-huh.
Q. -- you assumed they had been held against
their will, true?
A. They said there were signs up at Neverland.
Q. Did you assume they had been held against
their will?
A. True.
Q. Did you assume they had escaped from
confinement?
A. Well, why would you use the word "escape"?
So the answer is true.
Q. Did you call the police right away?
A. No, they had escaped. I didn't need to.
Q. How long did you keep working for Schaffel
after this escape?
A. I was already gone. 8813

Q. Did you stay in contact with Mr. Schaffel after this escape?
A. Yes.
Q. On a regular basis?
A. Well, not when -- the month that I buried my dad.
Q. Did you stay in contact with Mr. Schaffel on a regular basis after you thought the Arvizos had escaped?
A. Yes.
Q. How often would you talk to Mr. Schaffel after you claim the Arvizos escaped?
MR. ZONEN: Objection. Compound and argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: Okay. Can you ask again?
Q. BY MR. MESEREAU: Yes.
THE COURT: I'll have the court reporter read it back.
(Record read.)
THE WITNESS: Often. I mean, you know, I would talk to him quite a bit.
Q. BY MR. MESEREAU: You talked to Mr. Schaffel a lot between February 2003 and when you went to the sheriffs in late 2003, correct?
A. Late 2003?
Q. Yes. 8814

A. Do you mean 2004, when -- after Michael's place was raided?
Q. Yes.
A. Yes.
Q. You --
A. We would chitchat, but the chitchat was just that. Chitchat. Nothing real --
Q. Did you have any ongoing business relationship with Schaffel during the year of 2003?
A. Oh, only that I went to -- there to visit him and Michael at Gary, Indiana.
Q. And when was that?
A. It was -- I believe it was in the summer. I believe it was the summer.
Q. How many months after you thought this escape took place did you go to Gary, Indiana, with Schaffel?
A. About five months. I think it was about five months.
Q. Did you think you were traveling with a criminal at that point?
A. I was just trying to get over this train wreck. That's why I gave my point back. I was over this part of my life, and I just, you know, thought now that the family's gone and maybe everything's going to get better for everybody.
Q. Uh-huh. And did you ever learn that they went back and escaped a few more times? 8815

MR. ZONEN: I'm going to object as argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn of any other escapes after the one that you have just articulated?
A. I only knew of the one escape on the first of March.
Q. Did you ever hear anything about the Arvizos returning to Neverland after the escape that you've described?
MR. ZONEN: Objection. No evidence that it's that escape. Argumentative.
THE COURT: It's vague as to date.
Q. BY MR. MESEREAU: Okay. You've indicated that in your mind an escape took place, correct?
A. That's what they said.
Q. And you believed it, right?
A. Well, yeah. Nobody uses those words.
Q. And you were relieved that they had escaped, right?
A. I was just happy that it was over.
MR. ZONEN: Objection. Objection. Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When did you think this escape took place?
MR. ZONEN: Objection. Beyond the scope of 8816

his information, personal knowledge. Foundation.
MR. MESEREAU: I'll withdraw it.
Q. Did you know when this escape took place?
A. I only know what they told me.
Q. And when did -- did they tell you when the escape took place?
A. They didn't tell me when they escaped. That they couldn't talk because they had escaped.
Q. When do you think this escape had taken place?
A. Well, I tried to get that information, but they told me on, like, March the 6th.
Q. And when were you relieved that an escape had taken place?
MR. ZONEN: Objection. Irrelevant and argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You claim you were relieved that the family had escaped, true?
MR. ZONEN: Objection; asked and answered.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: Okay. Will you ask it again? Could you ask it again?
Q. BY MR. MESEREAU: Yeah. I'm trying to find out when you felt relief that the Arvizos had escaped from Neverland.
A. Well, I was relieved at that point because 8817

that meant that -- that that part -- portion of this
train wreck was going to be over.
Q. No, I understand.
A. That's what I thought.
Q. When --
A. That would have been the first week of
March, like March 6.
Q. Okay. So around March 6th you thought they
had escaped from Neverland, correct?
A. That's what they said.
Q. Okay. Did you ever check to see if the
Arvizos were at Neverland in early March?
A. I -- no.
Q. Do you know if the Arvizos were at Neverland
in early March?
A. No.
Q. Okay. Have you ever spoken to Janet Arvizo
at any time?
A. No.
Q. Okay. Now, you took notes about a need for
a Debbie Rowe interview, correct?
A. Correct.
Q. And when did you learn there was any thought
about a Debbie Rowe interview?
A. Well, that was the first time I was hearing
about it.
Q. When?
A. I guess February the 1st, I guess. Well, 8818

not “I guess.” It was February the 1st when I was listening to the conference call.
Q. Before the Bashir documentary aired, right?
A. Yeah, because we had received the transcript on the 24th.
Q. Okay. And when, in your mind, were they planning a Debbie Rowe interview?
A. I didn’t know. I really didn’t know until like maybe a day or two beforehand.
Q. Before the interview?
A. Before the interview took place there, I really didn’t know exactly when it was going to be.
Q. And when did the interview take place, if you know?
A. I think it was that Thursday or something. That Thursday or -- I was going to say the 5th, maybe the 5th or 6th of February, something around there.
Q. Do you remember writing in your notes about a Debbie Rowe interview and dating it February 2nd, 2003?
A. Yeah.
Q. Did you know about a Debbie Rowe interview on February 2nd, 2003?
A. Well, they were talking about it, but I don’t know if -- I don’t believe I wrote down what day it was going to be.
Q. Do you want to check your notes? 8819

A. Oh. Okay.
Okay, what about it?
Q. Didn't you write down the words "Debbie Rowe interview" on February 2nd, 2003?
A. Oh, I'm at the wrong one. I'm sorry. Hang on one second.
It appears, again -- you're looking at one that's dated, correct? Correct?
Q. It says, in the middle of the top of the page, "February 2nd, 2003," correct?
A. Okay. I'm looking for that one.
Oh, okay. With the scripts, yes.
Q. You see that? First you say, "Two scripts," right?
A. Uh-huh.
Q. Slash, "questions and answers," right?
A. Uh-huh.
Q. And then you say, "Debbie Rowe interview," right?
A. Right, question mark.
Q. There had been no discussion about a Debbie Rowe interview on February 2nd, 2003, had there?
A. They were talking about it.
Q. Where did that discussion take place?
A. Where did that -- on the phone.
Q. Yes.
A. On the phone.
Q. And where were you? 8820

A. I was there on the phone listening.
Q. Where is “there”?
A. Oh, at Neverland Valley Entertainment.
Q. Okay. Is that a conversation you claim Mr. Jackson was involved in?
A. Well, yeah.
Q. And you say here, “Rough drafts on Marc’s computer,” correct?
A. Correct.
Q. Are you telling the Court that there were rough drafts of the Debbie Rowe interview on February 2nd, 2003?
A. There was an outline of something they wanted -- he wanted to do something, so -- I -- I -- you know what, I should say that “rough drafts” might not be an accurate thing to say about that, but there was -- there was something there.
Q. Sir, you went back and wrote these notes because you wanted to be involved in this case, didn’t you?
A. No. God, no. And ruin my career?
Q. It just happens all the dates are wrong?
A. Well, not all the dates are wrong.
MR. ZONEN: I’ll object as argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, the prosecutor asked you about your relationships with Vinnie and Schaffel, right? 8821

A. Uh-huh.
Q. Did you respond truthfully about all your relationships with Schaffel and Vinnie?
A. Yeah.
Q. Were you ever involved in a corporation with Schaffel and Vinnie?
A. Oh, yeah. We started an LLC, I think it was.
Q. Really. When was that?
A. Oh, yeah. It was with Marc, yes. It was an LLC that basically, if we wanted to start something else, we could do it.
Q. Well, let's explore that a little bit.
A. Okay.
Q. Please say what an LLC is.
A. Limited liability company, corporation.
Q. And who did you form that company with?
A. With Vinnie. I thought it was with Frank, too, but maybe it wasn't. I think it was Vinnie and Marc definitely.
Q. And when did you form that limited liability company with Vinnie, Marc, and you think Frank?
A. Well -- well, I think Frank, but I'm not sure. I'm not positive, because Vinnie did it on the computer.
Q. Okay.
A. At the office, he did it on the computer.
Q. And when was this? 8822

A. Gosh, I don't remember, to tell you the truth.
Q. Can you kind of estimate the year, Mr. Provencio?
A. I would say it was 2003. Early 2003.
Q. Any reason why you didn't say that in your response to the prosecutor's questions?
A. I don't remember that question. I'm sorry.
Q. Let me rephrase it. Is there any reason why, when you were asked when you met Vinnie and Schaffel by the prosecutor, you never talked about the company you had set up with those individuals?
A. Nothing ever happened with it. So to answer your question, no, I didn't mention it.
Q. What was the name of your limited liability company that you set up with Schaffel and Vinnie?
A. I don't remember. It was so off the cuff, it was just something we did on the computer. You can do it on the computer in like ten minutes, and you mail in a check and that was it. So it wasn't really something that -- I probably didn't pay enough attention to it, to tell you the truth.
Q. What was the name of your company that you set up with Schaffel and Vinnie?
A. I don't remember the name of it.
Q. Was it called Steal the Stage, LLC?
A. Yeah. It was, yeah.
Q. And where did that company operate out of, 8823

Mr. Provencio?
A. That operated out of nowhere. It was registered, but there was no operations from it.
Q. Where was it registered?
A. It was registered on the computer at Marc's house.
Q. It was registered in New Jersey, was it not?
A. Oh, maybe it was. Maybe he did register it in New Jersey.
Q. Okay. And what was the purpose of the company?
A. To explore other options outside of, you know, being on the coattails of Michael or anything like that.
Q. What other options were you exploring?
A. Well, possibly we could do things with -- like an American Idol, but something different. That's what it was, yeah. I remember that now, yeah.
Q. Michael Jackson was not part of that company, was he?
A. No.
Q. Did you have a board of directors?
A. No.
Q. Did you have shareholders?
A. We did it on the computer in 15 minutes, so, no.
Q. I understand. And it was filed in the State 8824

of New Jersey, correct?
A. He must have did it in the State of New Jersey.
Q. I see. Did you ever look at any papers involving that company?
A. No, he just said, “This is what I did,” and, “I just have it set up.” Like a kid could do it. I mean, it’s just like nothing.
Q. I understand. Just set up a company like a kid, right?
MR. ZONEN: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Does the company still exist?
A. Um, you know what? I don’t know. To tell you the truth, I don’t know.
Q. Did you have meetings with Schaffel and Vinnie --
A. No, I don’t think it exists. No, I don’t think it exists.
Q. Did you have meetings with Schaffel and Vinnie about this company?
A. No.
Q. When did you start recording conversations for the sheriff’s department as part of this investigation?
A. Soon after they -- that I agreed to work with law enforcement. So it would have been a 8825

1 little bit after they came and served a search
2 warrant, that I agreed to.
3 Q. And when was that?
4 A. A couple months after Michael's place had
5 been raided. A couple months after November.
6 Q. And do you think that was what year, 2004?
7 A. Yeah, I think it was 2004.
8 Q. Okay. And between February 1st, 2003, when
9 you were so concerned about the family, and that
10 meeting with the police, you never called the police
11 at any time about Mr. Schaffel, Vinnie or anybody,
12 right?
13 A. You know what, Mr. Mesereau, I didn't want
14 anybody really to get in trouble. I really didn't.
15 I thought -- I thought it was -- they had gone, and
16 that possibly and hopefully this problem was just
17 gone, too. So --
18 Q. Okay. Well, when did the escape take place
19 in relation to the interview of Debbie Rowe?
20 A. Oooh, I think I already answered that, but
21 the -- they said "escape" in the first week of
22 March.
23 Q. When did the Maury Povich documentary air,
24 if you know?
25 A. I think it was -- I think it was the third
26 week of February.
27 Q. The third week of February?
28 A. I think so. 8826

Q. Okay.
A. Yeah, I think so.
Q. So it aired before the --
A. We watched it at Neverland Valley Entertainment. That's where we watched it.
Q. By the way, did you ever find out how the Arvizos escaped from Neverland, meaning who took them home?
A. No.
Q. Did you ever learn it was a Michael Jackson employee?
MR. ZONEN: I'm going to object as exceeding the scope of this witness's knowledge.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you ever had a discussion with anybody about how the Arvizos left Neverland?
A. Not that I can remember. I -- I know that they had left. I was relieved. And so I kind of figured that that's -- that's where it was.
Q. And no one's ever told you a Michael Jackson employee took them home?
A. I think I heard that on the news.
Q. But never discussed that with the sheriffs, right?
A. That -- that what?
Q. That a Michael Jackson employee had taken --
A. Oh, I heard that. 8827

MR. ZONEN: I'm going to object as exceeding the scope of this witness's knowledge. No foundation.
THE COURT: Overruled. The question was, "But never discussed that with the sheriffs, right?" And then he asked for clarification, "What?" So it's in your --
MR. MESEREAU: Okay. I guess -- let me withdraw the question, Your Honor.
Q. To date, you've never had a discussion with any representative of the sheriff's department about who helped the Arvizos escape, right?
A. I -- no. I inquired about it, yes.
Q. When did you inquire about it?
A. Probably -- oh, probably just recently. Probably in the last month. Because I had a lot of unanswered questions, and I was just curious in nature.
Q. Those questions that have been just sort of sitting in there for a couple years, right?
A. Well, not a couple years, but --
MR. ZONEN: That's argumentative and I'll object.
MR. MESEREAU: I'll withdraw it.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, in your notes, and I'm referring to the February 1st, 2003, entry, you say, "Mom's flipping out about something," right? 8828

A. Uh-huh.
Q. Is that Ms. Arvizo you're talking about?
A. I'm assuming -- yes, yes, yes.
Q. Did you think she was flipping out on
February 1st, 2003?
A. Well, she was kind of strange.
Q. But you hadn't met her.
A. I know. They were telling me she was
strange.
Q. Did you think she was flipping out on
February 1st, 2003, when you made your entry?
MR. ZONEN: Objection. Lack of foundation
and irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: Would you state your question
again? I'm sorry.
THE COURT: I'll have the court reporter read
it back.
THE WITNESS: Okay.
(Record read.)
THE WITNESS: Yes, they had said that.
Q. BY MR. MESEREAU: And did you get your
information from Schaffel?
A. Yes.
Q. Did you know whether or not Schaffel had
ever met them on February 1st, 2003?
A. He said he never met them, but then I 8829

reminded him that they came to the house, and then
he goes, “Oh, yeah.”
Q. They came to the house before February 1st,
2003?
A. Oh, no, they didn’t come to the house before
February 1st.
Q. Well, you wrote down in your, as you
described, your accurate notebook --
A. Uh-huh. My notebook.
Q. -- that “Mom’s flipping out about something”
on February 1st, 2003, right?
A. Yeah, February, that is true. And it has a
question mark, because I really don’t know what
she’s flipping out about.
Q. You haven’t met her at that point, true?
A. I never met her.
Q. Schaffel hadn’t met her either, right?
A. I don’t know.
MR. ZONEN: Objection; lack of foundation.
THE COURT: Sustained.
Actually, I’ll leave the question and answer
in. He answered he didn’t know.
Q. BY MR. MESEREAU: And you say on February
1st, 2003, in the first paragraph that you identify
with that, “I thought they used to be good people,”
right?
A. Correct. That’s what they said.
Q. But you say, “I thought they used to be good 8830

people."
A. Yeah, because I'm asking myself a question. You know, are these -- because, you know, Michael had taken care of this person with cancer. You know, oh, they're good people. They're gracious. And so I'm -- I'm hearing some verbiage starting to change around them, but I'm not really sure -- I'm not really certain what's exactly happening, so I'm trying to kind of get kind of a clarity around that. What is really going on here? You know, it was kind of like my general question. If you look through my notes, I'm asking myself a lot of questions, because I don't know the answers. And I just keep -- keep asking, you know, because it's I think what people do.
Q. And you're doing this for yourself, you say, right?
A. Yeah, because I don't know what's going on.
Q. Okay. All right. Now, to your knowledge, the Bashir documentary didn't air until February 3rd, 2003, right?
A. The one in the United States or the one in Great Britain?
Q. Well, which one aired first, to your knowledge?
A. Great Britain.
Q. When did that air?
A. It was -- it was probably the 3rd or -- I 8831

believe the 3rd or something like that. 3rd or 4th.
Because we got the transcript on the 24th, so
then -- then came the British one, and then right on
top of that, I think it was two days later, came the
one in North America.
Q. To your knowledge, was the Florida trip
planned in response to the airing of the Bashir
documentary?
A. Was it planned?
Q. Yes.
A. I know that they were going to fly -- well,
according to my notes and what I remember hearing,
that they were going to come down to Florida. I
guess.
Q. And to your knowledge, was that supposed to
be a response to the airing of the Bashir
documentary?
A. Everything was a response. Push and pull
every single day.
Q. Okay. Starting when, Mr. Provencio?
A. Starting on January the 24th, to my -- the
best of my recollection. Things -- as soon as we
got the -- got the transcript, things were going
cuckoo.
Q. And that's when you wrote down that the
Arvizos were having trouble, right?
A. What, on the 24th?
Q. Sure. 8832

A. No. Are you saying did I write it down and you're seeing it?
Q. When did you think the Arvizos were having trouble with the press?
A. I thought possibly -- well, the phone calls were coming in, so the 24th -- the 24th we get the transcript, and then all of a sudden the phone calls started coming in. They just started coming in. So I felt that possibly -- do you want me to explain or not?
Q. Yeah, please explain.
A. I felt that possibly there could be a problem, because you have this poor family and you've got somebody who's very wealthy. I've been in entertainment enough to know that, you know, that could potentially be kind of a bad situation for both people. And so I was starting to pay attention, because I had read the transcript.
Q. How did you know they were poor?
A. You know what? I didn't know for sure, so they told me they were poor, that they were ghetto.
Q. The Arvizos did?
A. No, Marc and -- Marc and Vinnie.
Q. Okay. Okay. And this is approximately when, Marc tells you they're poor people?
A. Well, yeah, that they leave in East L.A., that they live in a dump.
Q. When was this? 8833

A. Probably in -- probably had to be in January sometime. Yeah, the late part of January, to the best of my recollection.
Q. Marc knew nothing about these people in January, did he?
A. I don't know.
MR. ZONEN: I'm going to object as to lack of foundation.
THE COURT: He answered he doesn't know. Next question.
Q. BY MR. MESEREAU: Do you remember telling Kathryn Milofsky, "Marc is putting this whole thing together. He wants to be the kingpin"?
A. Uh-huh.
Q. What were you referring to?
A. He -- I was referring to a phone call that he had made to Dieter at -- at the ranch, that, you know, "This is what you need to do." He was trying to get ingratiated back with Michael.
Q. And approximately when were you starting this process?
A. As soon as he got the transcript. As soon as he got the transcript.
Q. That's approximately when?
A. January the 24th.
Q. Okay.
A. Or soon after that.
Q. So when you referred to Marc putting this 8834

whole thing together, he wants to be a kingpin,
you're talking about sometime after January 24th,
2003, correct?
A. Actually, I remember that conversation with
her, and I'm referring to the phone call, because --
because I'm saying he wants to be the kingpin, he
wants to be in charge of things, and he wants to
look good with Michael, like most people do.
Q. Okay. Do you remember telling Ms.
Milofsky -- excuse me, let me rephrase that. Did
you ever communicate with Ms. Milofsky by e-mail?
A. Oh, yeah, frequently.
Q. Did you turn those e-mails over to the
sheriffs?
A. Yes.
Q. Do you remember telling Kathryn Milofsky,
"I would always" --
A. They took my computer. Oh, I'm sorry.
Q. Okay. Do you remember telling Kathryn
Milofsky in an e-mail, "I would always say that MJ
had no idea what he was up to," referring to
Schaffel?
A. Well, not all -- okay, go ahead, I'm sorry.
Repeat that.
Q. Do you remember saying that?
A. Yes.
Q. Words to the effect that, "Michael Jackson
had no idea what Schaffel was up to"? Do you 8835

1 remember telling that to Milofsky?
2 A. Of the total scope. You've got to remember
3 the complete conversation. The total scope of
4 everything, yes.
5 Q. Do you remember saying that?
6 A. Yes.
7 Q. Okay. Do you remember telling Milofsky
8 Michael Jackson was unaware of what Schaffel was up
9 to?
10 A. In his totality, his other situations, maybe
11 his past and things like that.
12 Q. Okay. That's what you were referring to,
13 without explaining it, correct?
14 A. Well, I mean, there's a whole conversation
15 happening, so that's just one piece of a
16 conversation.
17 Q. Okay.
18 A. But that Michael and him were business
19 people, but the totality of the conversation was --
20 was that, you know, there were other things Marc was
21 doing --
22 Q. Right.
23 A. -- that probably Michael didn't know about
24 it.
25 Q. But you said that right after you talked to
26 Ms. Milofsky about the hiding of the Arvizos;
27 correct?
28 A. I'd have to -- I don't know. I'd have to 8836

look. There's a zillion e-mails.
Q. Did you ever tell Milofsky, "I saw him give them money to take them shopping"?
A. Yes.
Q. And you were referring to Schaffel, true?
A. Yes. Schaffel and Vinnie.
Q. Schaffel and Vinnie gave the Arvizos money so they could go shopping, right?
A. Correct.
Q. Do you know how much money they gave the Arvizos so they could go shopping?
A. No. I just saw an envelope with money in it, and then Vinnie had to sign a receipt for it.
Q. Did you ever go shopping with them at any time?
A. Oh, God, no.
Q. Where were you when they were shopping?
A. I stayed put. I wasn't going to go anywhere near that disaster. I was already close enough.
Q. Where are you staying put?
A. Well, the first time, where -- are you talking about the first time he gave them money and I saw it?
Q. Sure.
A. I was in the office. And the Arvizos came over and they parked in that four-door whatever. Vinnie came in. Gavin came in to use the rest room. Stuart was downstairs. And I just pointed to the 8837

bathroom. And then Vinnie went upstairs and got some money and signed for a receipt.
Q. And at this particular point in time, you thought something was wrong about this, right?
A. Well, it was the conversation, because I said, “Well, what’s going on?” And he said -- I said, “Why are you,” you know, “taking them shopping? This doesn’t make any sense.” See, none of this made any sense.
And he said, “Do you honestly think I’d take those stupid people shopping?” He goes, “Those stupid Mexicans shopping? I’m just trying to get receipts.”
So it was ugly. It was kind of ugly.
Q. And you were in the house when Schaffel told you this?
A. Yeah.
Q. Did you call the police?
A. No, I didn’t know what was going on yet. I didn’t know what was going on.
Q. But you suspected something was wrong, true?
A. Well, you know, you know when something’s not right. And you just -- and you’re paying attention, like anybody would.
Q. So you paid attention, you followed your suspicions wherever they took you and waited till the following year to go to the police, right?
MR. ZONEN: Objection; argumentative. 8838

THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember telling
Ms. Milofsky that, “Schaffel made a lot of money off
Michael, but I don’t think Michael knows how much
money was made off of him”?
A. Yes.
Q. And were you telling the truth when you said
that?
A. Everybody was making money, yeah.
Q. Off of Michael, right?
A. With and off of Michael.
Q. Okay.
A. Because that needs to be clear. There’s --
Q. And your feeling was that Michael didn’t
know what kind of money people were making off of
him, true?
A. Well, I -- yes, that was true. I would say
that’s true. Everybody seemed to have different
stories, so I just kind of -- I said what I felt was
the truth.
Q. Okay. Do you remember telling Vinnie in a
conversation you recorded where you were speaking to
him that, “All fingers point to Marc”?
A. Yes, Marc as a ringleader.
Q. That’s what you said to Vinnie, correct?
A. Yes.
Q. Okay. Were you working for Marc at the
time? 8839

A. At the time of what?
Q. You were recording conversations with Vinnie.
A. No.
Q. Were you in contact with Marc at the time you were recording conversations with Vinnie?
A. Yes.
Q. How often would you talk to Marc during the time you were recording conversations with Vinnie?
A. How often would I talk to Marc?
Q. Yes.
A. Gosh, I don't know. Your answer is, "I don't know."
Q. You said at one point Schaffel was fired, right?
A. Yes, in November.
Q. And then you said Schaffel -- I don't mean to put words in your mouth, but Schaffel kept trying to be involved with Mr. Jackson?
A. That's correct. Everybody does, from what I witnessed.
Q. And when you say everybody was trying to be involved with Mr. Jackson, who are you referring to?
A. Well, Ronald, Dieter, Marc. It just seemed like they just kissed his butt all the time, so, yeah.
Q. And did you have a business relationship with Ronald anytime? 8840

A. With Ronald?
Q. Yes.
A. No.
Q. Did you have a business relationship with Dieter at any time?
A. No. I mean, we had meetings with him, but, no, I didn't ever, like, hawk one of their products or anything like that.
Q. How many meetings do you think you had with Dieter?
A. Two.
Q. How many do you think you had with Ronald?
A. The two. They were both there.
Q. Now, how many conversations do you think you've had on the phone with Michael Jackson?
A. Conversations?
Q. Yes.
A. Well, they called my house like two or three times, and we talked about "What More Can I Give?"
Q. Two or three conversations with Michael Jackson?
A. Well, and then the meetings at The Beverly Hills Hotel.
Q. Okay.
A. And The Hilton. And then in the studio.
Q. All right. On the phone?
A. But it was always business. No, not on the phone. In person and on the phone. 8841

Q. How many times do you think you've ever spoken to Michael Jackson on the phone?
A. Oh. If he's calling the office? Or if he's -- having a conversation like, "Hey, how are you doing? Do you want to go see a car show or something?"
Q. How many times do you think you have spoken to Michael Jackson on the phone?
A. A couple times. A dozen, I guess.
Q. A dozen?
A. Well, I mean -- I say, "How are you doing?" He says, "Fine." He's always very polite. And -- you know. And on the phone, probably -- they called me twice at my home. I would say, you know, for knowing for sure that we had conversations on the phone, strictly on the phone, would probably -- I would say twice.
Q. Okay.
A. Everything else was just chitchat.
Q. How many times do you think you've met Mr. Jackson in person?
A. 10, 12 times. And it was always business.
Q. And were --
A. Except for Gary, Indiana.
Q. Where did these meetings take place?
A. Oh, in the studio, at the hotel.
Q. Okay. Now, which hotel are you talking about? 8842

A. The Beverly Hills Hotel and then The Universal Hilton.
Q. Were you with Schaffel every time?
A. Oh, yes. The first time was with Ali and then it was just Schaffel or Marc.
Q. For how long a period of time were you in business with Schaffel?
A. For the duration of 2001 to 2003 when I ended my contract and, you know, essentially when I got my last check on the 25th of February.
Q. You got your last check from Neverland Valley Entertainment on February 25th, 2003?
A. Yes, I believe so.
Q. Did you do any kind of work for Schaffel after that date?
A. Oh, he asked me -- I have a pickup truck, so he asked me if we could pick up some stones from someplace. But that wasn't work. I wasn't compensated. I just did it.
Q. What stones are you talking about?
A. Stones for his house, just like bags of stones.
Q. Approximately when was this?
A. I was going to -- I think that summer. It was that summer. So it was 2003, summer.
Q. Summer of 2003?
A. He just asked me for a favor, and I just said, "Yeah, okay," whatever. 8843

Q. And you helped him pick up some stones for his house in the summer of 2003?
A. I think. I believe so.
Q. Was that after your so-called escape?
A. After my so-called escape?
MR. ZONEN: I'm going to object as sarcastic and argumentative. Also his "so-called escape."
THE COURT: It's sustained.
MR. MESEREAU: Withdraw it.
Q. Was that after the escape --
A. Yes, that was.
Q. -- that concerned you so much?
A. That concerned me so much.
Q. Yes.
A. After I was relieved that the family was just gone and blah-blah-blah, yeah.
Q. Okay. Before Mr. Schaffel asked you to help him with some stones on his house, you were in constant communication with him, true?
A. Chitchat. Chitchat.
Q. "Chitchat" meaning what?
A. Nothing really of substance. Just -- just, you know, something -- "Hey, how you doing?" "What's going on?" "Oh, that sounds great." And then just be off the phone. Really nothing of substance. There was occasional, like, more conversation, but nothing really of substance.
Q. The corporation that you had formed with 8844

Schaffel and Vinnie was still in existence, was it not?
A. I don't know, tell you the truth. I don't know. I thought it was all closed down. So -- I thought it was like -- we did it, and then for a -- I didn't really put any weight in it. I just thought, "Okay, if a project comes along and we're going to it, we'll do it." But nothing happened, so I just didn't put any weight in it.
And then Vinnie had told me that he had closed it for -- I think he closed it for tax purposes. I think that's what he said.
Q. And when was that?
A. Geez. Tell you the truth, I don't remember.
Q. When --
A. It was in 2003. I believe it was in 2003.
Q. The company was still in existence after you got your last check from Neverland Valley Entertainment, right?
A. Well, yes, because we were going to possibly work on a benefit, a different benefit, and then that would basically be -- I think it was called "Best Buddies" or something like that. It was a benefit.
Q. And did you work on putting this benefit together?
A. Huh-uh.
Q. Did you talk to Vinnie about it? 8845

A. Yeah.
Q. Did you talk to Schaffel about it?
A. Not Schaffel.
Q. Did you talk to Vinnie about it?
A. Yes.
Q. When did you last talk to Vinnie?
A. Gosh. It's been a while. It's been a little while. With today -- or a couple of months probably now, I guess.
Q. Couple of months ago you talked to Vinnie?
A. Possibly, yeah. Possibly.
Q. Did you record him?
A. No.
Q. When did you last record Vinnie?
A. Boy, I don't remember, tell you the truth.
Q. When did you last record a phone call for the sheriffs?
A. Gosh, I would say maybe a couple weeks before -- gosh, you know what? I -- I can't say, because I -- it just stopped and I just stopped it. So, maybe a couple weeks before I gave him the tapes, possibly.
Q. Which would be approximately when, do you think?
A. Well, let's see, this is March -- maybe a couple of weeks before April 14th. I'm sorry, I'm not meaning to be that way. I'm just trying to be accurate. So I'm just trying to make sure I'm 8846

saying what I -- what I know is in my mind.
Q. Now, in the notes that you say you took --
A. Which notes? Which ones?
Q. The notes you have in front of you. The notes you say you took close to the date or on the day these events occurred, we referred to February 1st, 2003, and you said that you thought there was a train wreck going on, right?
A. A train wreck, right.
Q. Yet all through that year, you kept in communication with all the people you thought who were involved in the train wreck and never called the police, right?
A. That's true.
Q. You kept in touch with Vinnie on a regular basis, correct?
A. Initially, yes.
Q. All through 2003, you kept in touch with Vinnie on a regular basis, correct?
A. Yes.
Q. All through 2003, you kept in touch with Schaffel on a regular basis, correct?
A. True.
Q. Did you stay in touch with Frank?
A. Yeah, the last time we spoke was he was in the studio.
Q. And when was that?
A. I don't know. It's in my notes. 8847

Q. Was it in 2003?
A. Oh, 2003? Yeah. I kept on talking to Frank.
Q. Was it after you say this train wreck was going on that you documented in your notes?
A. Yes, I just wrote, yes, “train wreck.”
Q. Okay. Now, I believe you indicated in response to the prosecutor’s questions that you thought a press conference was going to go on in Florida, true?
A. I didn’t think so. They said it.
Q. Okay. Well, Schaffel said it, correct?
A. Correct.
Q. Did Ronald say it?
A. They both wanted Michael to do a press conference.
Q. Okay. And you said Michael was reluctant to do one, correct?
A. Yeah, he said he doesn’t like to do those things.
Q. And ultimately, no press conference took place, to your knowledge, right?
A. To my knowledge, yes. That’s true.
Q. All right. Did you talk to Debbie Rowe yourself?
A. Yes.
MR. ZONEN: Objection; vague.
MR. MESEREAU: I’ll rephrase, Your Honor. 8848

I'll withdraw it.
Q. During the interview with Debbie Rowe that you described in response to the prosecutor's questions, did you speak with Debbie Rowe?
A. Yes. And Iris.
Q. Iris was her lawyer, correct?
A. Correct.
Q. And Iris was sitting there during the interview, correct?
A. Yes. She's very nice.
Q. And Iris was sitting there when you say Schaffel tried to get her to change some of her answers, correct?
A. I didn't say Iris was sitting there. I was sitting there watching Debbie. I don't know where Iris was at that particular moment.
Q. But you did say that Schaffel tried to get Debbie Rowe to change some of her answers, correct?
A. To -- yeah, he was nudging, like any producer would, would nudge you to get a better performance or whatever it is that they're looking for.
Q. And do you know if Debbie's lawyer was right there while that was going on?
A. She was there a lot. I don't remember turning around and seeing her. But I remember she was around a lot.
THE COURT: Let's take our break. 8849

MR. MESEREAU: Yes, Your Honor.
(Recess taken.)
THE COURT: Counsel?
MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Provencio, you were first interviewed by the Santa Barbara Sheriff's Department on Saturday, January 31st, 2004, right?
A. Uh-huh.
Q. And you were interviewed by a Sergeant Robel, correct?
A. Correct.
Q. And in that interview, Mr. Provencio, you told Sergeant Robel that, "Marc directed everything," and "It's unknown if Michael Jackson even knew about what was going on with the Arvizo family," correct?
A. If it's in the report. At that time, you know, I just -- I didn't know what to do. I just was, like, just talking to them, yeah.
Q. I understand. But that's exactly what you told Sergeant Robel?
A. If I wrote it, then that's what I said at that time. He was -- Marc was orchestrating -- oh, I'm sorry.
Q. That was your first police interview, true?
A. Yeah. If you have the report there, yeah.
Q. You used those words in your interview with Sergeant Robel, correct? 8850

A. Yes, if it's in the report.
MR. ZONEN: I'm going to object as
nonresponsive based on personal knowledge.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Would it refresh your
recollection if I show you Sergeant Robel's
handwritten notes of your interview with him?
A. No, that's okay. I believe you.
Q. I need to find out if that's what you said
to Sergeant Robel.
A. Sergeant -- to Sergeant Robel?
Q. Yes. Did you tell Sergeant Robel in your
interview on January 31st, 2004, words to the
effect, "Marc directed everything. It's unknown if
Michael Jackson knew about what was going on with
the Arvizo family"?
A. Yes, I wrote that, or said that. Sorry.
Q. Now, you told Sergeant Robel in that
interview that when the Bashir taping of "Living
with Michael Jackson" was aired in the U.S.,
Schaffel immediately contacted Weizner and Konitzer,
right?
A. Correct. I believe Dieter was staying at
the ranch at that time.
Q. At no time in that police interview did you
say that any of these people got together because a
transcript was forwarded in January of 2003, right?
A. Does it say that? Or -- are you telling me 8851

something or are you asking me a question?
Q. I'm just --
MR. ZONEN: Objection; vague.
MR. MESEREAU: Okay.
Q. In your police interview on January 31st, 2004 --
A. Uh-huh.
Q. -- you told Sergeant Robel that Weizner and Konitzer -- excuse me, let me rephrase that. Schaffel contacted Weizner and Konitzer after the Bashir taping of "Living with Michael Jackson" was aired in the U.S., right?
A. No, it was after -- I believe it was after the 24th transcript.
Q. That's something --
A. Because that's when the conspiracy really starts is after the 24th transcript.
Q. That's something you've come up with for this trial. That's not what you said in your first interview, right?
MR. ZONEN: That's argumentative. Objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: In your interview, you said they got together after the airing, right?
A. Well, I know what happened. It was after we got the transcript they made the -- he made the phone calls. 8852

Q. Would it refresh your recollection if I show you the police report?
A. I know what it might say, but I'm telling you right now it was after the 24th transcript was delivered that we -- that they, you know, started contacting --
Q. You just came up with that recently, didn't you?
A. No.
MR. ZONEN: Objection; argumentative.
THE COURT: Overruled. Next question.
Q. BY MR. MESEREAU: You recently turned over the so-called notes you say you kept, right?
A. Uh-huh. Uh-huh.
Q. And when did you recently turn them over to the prosecution?
A. When I found them in my storage unit.
Q. When did you find these notes in your storage unit?
A. When -- it was probably last month, around the 14th. I really had for -- I really actually did forget about them. I stuck them in a box and -- you know, and I just kind of forgot them, because they weren't -- you know, I just -- that's what I did. I just put them in a box and put the whole thing behind me.
Q. During all of this period of time when you were acting as a police informant -- 8853

MR. ZONEN: I'm going to object to the use of that term; and compound.
MR. MESEREAU: I'll rephrase it.
Q. Did you act as a police informant in this investigation?
A. Whenever something has happened, a criminal act has been committed, it's everybody's duty to work with law enforcement, so the answer is yes.
Q. When did you start working as a police informant, Mr. Provencio?
A. Law enforcement, I worked with them when -- when they asked me, you know, after - what is it? - when they served me the search warrant, or I agreed to the search warrant.
Q. And when was that?
A. A couple months -- like I said, a couple months after Michael's place was searched.
Q. And you started recording phone calls for the sheriff's department --
A. Right.
Q. -- correct?
A. To get to the truth, correct.
Q. I understand. And this was in 2004, correct?
A. It would have been 2004, yes.
Q. And did you do it into 2005?
A. Into 2005? Yes, uh-huh.
Q. And you were in constant touch with the 8854

sheriffs about the investigation, right?
A. Well, I only let them know what -- what I had, you know, as far as, like, tried to get to the truth of some matters that were unanswered.
Q. You were in constant touch with the sheriffs during the period of time you were recording phone calls, right?
A. Yes, sir.
MR. ZONEN: I'll object to that question as vague.
THE COURT: Overruled. He said, "Yes."
Q. BY MR. MESEREAU: Is that right?
A. Yes.
THE COURT: He answered it; "Yes."
Q. BY MR. MESEREAU: And you were recording phone calls for over a year, correct?
A. Yes.
Q. Never told anyone in the sheriffs about these notes, right?
A. Well, I've always had notes, so yes, I did tell them about the notes, but not these. Those particular notes I had found when I cleaned out a storage unit, and I have the receipt to show that I cleaned out that storage unit, because I switched storage units.
Q. When they searched your house, did you give them the notes?
A. I gave them some notes, yes. 8855

Q. Not the ones you turned over in the last few weeks, right?
A. No, that's true.
Q. You just kind of forgot about them while you were working as an informant?
MR. ZONEN: I'm going to object to the continuous use of argumentative questions and sarcasm in his questioning.
THE COURT: Mr. Mesereau?
MR. MESEREAU: Yes, Your Honor?
THE COURT: I'm going to admonish you to stop that.
MR. MESEREAU: Yes, Your Honor.
Q. In your interview with Sergeant Robel on January 31st, 2004, you said it was around the beginning of February of 2003 when Weizner and Konitzer allowed Schaffel to rejoin their team, true?
A. Yes.
Q. It was not in January, correct?
A. Can you rephrase that again? I'm sorry. Maybe I blanked out a little bit. Say it again. I'm sorry. I'm sorry.
Q. You told Sergeant Robel that Weizner and Konitzer allowed Schaffel to rejoin their team around the beginning of February of 2003?
A. It had been -- do you want me to explain? No? 8856

Q. Is that what you told Sergeant Robel in that police interview?
A. If it's there, I told him that, yeah. But --
Q. Do you know if that's what you said?
A. Yes. If I said it, I said it.
Q. Did you say it?
A. Yes, I said it.
Q. Do you remember telling Sergeant Robel in that interview that you thought Debbie Rowe was honest and sincere regarding her responses to the questions in that interview?
A. Well, I don't remember exactly saying that, but I know what I saw there. I mean, so I guess if it's there in writing and I said it, then I said it.
Q. Well, I have to ask you if you said it.
A. Okay. I said it. Sorry.
Q. And you told Sergeant Robel in that interview on January 31st, 2004, that you thought the questions she was asked were typed via computer, right?
A. Well, there was several versions, but, yeah, like there was one version that I saw handwritten, and then it -- because it's just not one piece of paper that you -- that I saw. It was variations of things.
Q. And when you saw the questions, you asked Schaffel what they were, and he told you they were questions to be asked to Debbie Rowe, right? 8857

A. Yeah, flippantly. Questions and answers.
Q. Well, you didn't tell the police about answers in that interview, did you?
A. In that interview?
Q. Yes.
A. Probably not. I just -- but I was really scared at that time, too, so -- because that was the very first time I was meeting them, law enforcement. So I didn't really know what was going on, so -- and I can -- you know, I do make mistakes. I can get jumbled in some of my stuff, but, you know, I was being as honest -- I was being honest when I was there.
Q. Who wrote out the questions, if you know?
A. For Debbie Rowe, are you --
Q. Yes.
A. Ian had sent over the questions via e-mail. And then -- and then -- and then they were in many different forms at the office.
Q. Did you work on the questions yourself?
A. Oh, no.
Q. Okay. Did you see Schaffel changing the questions at all?
A. Well, yeah, he would write things and then, you know, edit it.
Q. Okay. By the way, in that interview --
A. Uh-huh.
Q. -- of January 31st, 2004 -- 8858

A. Uh-huh.
Q. -- you never said anything about any escape, correct?
A. I don't believe I did, no. We were just first meeting, so it was like -- it was a bombardment of questions and information, so I was just trying to answer, you know, what I knew. And it seemed all very overwhelming.
Q. In that interview of January 31st, 2004, with Sergeant Robel, you never mentioned the word "killers," true?
A. That is true.
Q. You did talk about the Arvizo family going shopping, right?
A. Correct. That they had told me. And seen them exchange money.
Q. You said Schaffel would give cash to the Arvizo family for shopping, right?
A. Well, to Vinnie. And then Vinnie would sign a receipt. That's what I witnessed.
Q. You talked about Vinnie Amen transporting the Arvizo family, correct?
A. Correct, in that four-door clunker.
Q. And you indicated at the beginning of that interview to Sergeant Robel that you would tell him everything you knew, right?
A. Well, at that -- yeah, to the best of my knowledge at that time. You know, but I was 8859

nervous, too.
Q. And you said --
A. Like I'm nervous now.
Q. You told Sergeant Robel you would tell him everything you knew, and you didn't want it to be tape-recorded, right?
A. That's true.
Q. Did you tell Sergeant Robel everything you knew on that date?
A. No, because I didn't -- it's not something -- it wasn't something I was thinking about for a while, so it was -- you know, I told him what I knew at that particular time.
Q. And the first time you ever produced anything to the sheriffs referring to "escape" or "killers" was a few weeks ago, right?
A. Well, that was when I found it, because I didn't think I had it anymore, so -- but I always kept journals, so -- not all of them that I still have, so --
Q. Well, would it be -- would it be accurate to say that even though you told Sergeant Robel you would tell him everything you knew on January 31st, 2004, you just forgot about the escape on that date?
A. No. I -- I told him what I knew based on the questions he was asking me. And I was being honest at that time.
Q. And would it be accurate to say that during 8860

your interview with Sergeant Robel on January 31st, 2004, you just forgot about the reference to -- I'm sorry. Let me withdraw the question and restate it. Would it be accurate to say that during your interview with Sergeant Robel on January 31st, 2004, where you said you'd tell him everything you knew about these events, you just forgot about someone using the word "killers"?
A. I know what I heard.
Q. Did you forget to mention that in that interview?
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled. I'll have the question read back.
THE WITNESS: Okay.
(Record read.)
THE WITNESS: I didn't mention it at that time, if it's in writing. I didn't mention it at that time.
Q. BY MR. MESEREAU: You just forgot, do you think?
A. I don't forget. I just didn't mention it at that time.
Q. Now, the prosecutor asked you to read some of the credits --
A. Correct.
Q. -- that are found in the little brochure that accompanies Michael Jackson's DVD entitled 8861

1 “”Invincible”,” okay?
2 A. Uh-huh.
3 Q. And -- did you ever work on that album?
4 A. We went to the video shoot, yes.
5 Q. And he had you read credits that are given
6 to Schaffel, right?
7 A. Well, yeah, Marc said that that was his.
8 Q. And he had you read credits that are given
9 to the Cascio family, right?
10 A. Right.
11 Q. Michael gave a lot of other credits to a lot
12 of other people?
13 A. Correct. There’s a lot there.
14 Q. And he tells a lot of people that he loves
15 them, right?
16 A. Yes.
17 Q. Michael typically says he loves people he’s
18 giving credits to, right?
19 A. Yeah. That’s like his sound bite, yeah.
20 Q. And he dedicated the “”Invincible”” album,
21 said, “A special thanks to all the children of the
22 world of all nationalities. You are my greatest
23 inspiration. Without you this album would never
24 have been released. I love you all, Michael
25 Jackson,” right?
26 A. You read it. Yeah.
27 Q. Do you remember that?
28 A. Well, yeah, I read through it. 8862

1 Q. Okay. He expressed gratitude to his
2 parents, Joseph and Katherine, right? Remember
3 that?
4 A. Does it say it there?
5 Q. Right.
6 A. Does it say it?
7 Q. “For their love and support, inspiration and
8 caring, I love you dearly. Thank you for conceiving
9 me. Your son, Michael.” Do you remember that?
10 A. I’m sorry, I don’t remember that, but -- I
11 did read it. I read it once or twice.
12 Q. He also dedicated it to Prince and Paris,
13 saying, “You give me the greatest joy I’ve ever
14 known in my entire life. I love you both from the
15 bottom of my heart, now and forever,” right?
16 A. Yep.
17 Q. Did you know someone named John McClain?
18 A. I don’t know him. I knew of him.
19 Q. Who is he?
20 A. He’s a music guy that we never could figure
21 out what he did.
22 Q. Do you remember Michael dedicated
23 “”Invincible”” to John McClain?
24 A. Yeah, I read that.
25 Q. Saying, “This album would not be possible
26 without your genius and perfection. I love you,
27 Michael Jackson,” right?
28 A. I remember John McClain’s name. 8863

Q. He dedicated it to Elizabeth Taylor,
correct?
A. Yeah.
Q. He said, “Elizabeth: Through it all, you
have been my constant, with your support, your
caring and your love. I love you dearly, Michael
Jackson,” right?
A. Okay.
Q. Do you remember that?
A. Sure.
Q. He said, “A special thanks to Carlos Santana
for sharing your genius and love. Michael Jackson,”
right?
A. Yeah.
Q. Remember that?
A. Yeah, I guess so. You’re reading it.
Q. He had a whole list of people --
A. Right.
Q. -- that he dedicated this album to with
expressions of love, correct?
A. Correct.
Q. It wasn’t just to Schaffel or the Cascios
alone, was it?
A. Well, him and Schaffel were friends. So,
yeah, it wasn’t just -- it wasn’t just them.
Q. He dedicates it to Chris Tucker, does he
not?
A. I don’t remember that one, but sure. 8864

Q. Says: “Dear Chris, with all my respect for your art and deepest gratitude for your contribution, your friendship and your love. To the future, and to all that we can create together. I love you, Michael Jackson,” right?
A. Okay.
Q. Remember that?
A. No. But if it’s there, I believe you.
Q. He gave a special thanks to everyone at MJJ Productions, and listed people in various capacities, right?
MR. ZONEN: My objection is that the witness has stated to the last three that he has no recollection of any of them. It appears that counsel is simply reading it into the record. I’ll object.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Before you testified, did you go over this document with the prosecutor?
A. I looked at it.
Q. Where did you go over this document with the prosecutor?
A. In the office.
Q. And when was this?
A. A couple days ago. Two days ago, or something.
Q. And were you with Prosecutor Zonen?
A. Yes. 8865

1 Q. Okay. Did you talk about your being asked
2 questions about where the credits went on the album
3 “Inspiration”?
4 A. “Inspiration”?
5 Q. I mean, pardon me, “”Invincible”.” I’m
6 sorry, my mistake.
7 A. “”Invincible”.”
8 Q. Did you talk to him about what you were
9 going to say to those questions?
10 A. No. I just -- he just asked me to look at
11 it. “Can you identify” -- “Is this” -- you know,
12 “Is this Marc? Are you sure?” And I said, “Well,
13 yeah. He bragged about it.”
14 Q. Okay. Okay. And how much work did you do
15 on the album “”Invincible””?
16 A. Went to the video shoot. And everything
17 else was -- it was -- we were already working on
18 “What More Can I Give?” We couldn’t focus on two
19 things at one time.
20 Q. Okay. Now, at some point you -- let me
21 rephrase that. You mentioned Christian Robinson in
22 response to the prosecutor’s questions, right?
23 A. Yes.
24 Q. And when did you first meet Christian
25 Robinson?
26 A. Gosh. 2000 -- 2001, first time I met him.
27 Q. Was he working with Schaffel at the time?
28 A. Yeah. They might have been working on 8866

something else, but I don't know what it was. No, he was around. I don't know what they were doing. I think he just brought him on board.
Q. You mentioned to Vinnie one time in a recorded conversation that you had learned that Christian Robinson made $10,000 selling some pictures of Michael Jackson, right?
A. That's what I had heard, yes.
Q. Did you ever confirm whether that was true?
A. I never confirmed it with Christian. I just heard it from one of my friends who told me about it.
Q. And you indicated that he had sold those pictures to ABC, right?
A. Yes. I believe so.
Q. Okay. Were you --
MR. ZONEN: I'm going to object to lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn where Christian Robinson had sold those pictures to?
A. What? Say that again.
Q. Did you ever learn where Christian Robinson sold pictures of Michael Jackson to?
MR. ZONEN: Your Honor, no -- objection. Lack of foundation that such pictures were sold.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You've indicated that you 8867

learned at some point that Christian Robinson had sold pictures of Michael Jackson for $10,000, right?
MR. ZONEN: Your Honor, objection, lack of foundation.
THE COURT: Overruled.
You may answer that. Do you want the question read back?
THE WITNESS: Please.
(Record read.)
MR. ZONEN: I'll object as hearsay as well.
THE COURT: He's just asking him if he's already testified to that. That's his question.
Did you say that a minute ago?
THE WITNESS: Yes.
THE COURT: Next question.
Q. BY MR. MESEREAU: Do you know -- excuse me. Do you know whether those pictures were actually sold?
A. No, I had heard about it.
Q. Okay. Did you ever talk to Christian Robinson about that subject?
A. No, because I was alarmed that they were doing it, but --
Q. You never talked to him about it, right?
A. No.
Q. When did you last see Christian Robinson?
A. I saw Christian, oh, in Gary, Indiana.
Q. Was that after you had learned that he had 8868

1 sold pictures of Michael Jackson for $10,000?
2 MR. ZONEN: I'm going to object as lack of
3 foundation and assuming facts not in evidence.
4 THE COURT: It's not relevant. I'll sustain
5 that objection.
6 Q. BY MR. MESEREAU: At some point, you had a
7 discussion with Marc Schaffel about Schaffel's
8 writing a book about Michael Jackson, true?
9 A. True.
10 Q. Now, when did you first talk to Marc
11 Schaffel about his writing a book about Michael
12 Jackson?
13 MR. ZONEN: I'll object as hearsay.
14 MR. MESEREAU: Just asked him when, Your
15 Honor.
16 THE COURT: The objection is overruled.
17 The question is, when did you talk to
18 Schaffel about that?
19 THE WITNESS: I learned -- he had told me
20 that they were going to --
21 THE COURT: Just -- the question is when.
22 THE WITNESS: When? Oh, gosh. I don't -- I
23 don't know. I don't remember. Last year sometime.
24 German book fair.
25 Q. BY MR. MESEREAU: And you had a number of
26 discussions with him about that subject, correct?
27 A. Well, I was trying -- yeah, I -- okay, the
28 answer is yes. 8869

Q. And it was your understanding that Schaffel was trying to make some money on a book deal in Europe, right?
MR. ZONEN: Objection. Lack of foundation; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn if Schaffel was trying to peddle a book about Michael Jackson in Europe?
MR. ZONEN: Objection. Lack of foundation and hearsay.
THE COURT: Hearsay; sustained.
Q. BY MR. MESEREAU: How many conversations have you had with Marc Schaffel about the possibility of his writing a book about Michael Jackson?
MR. ZONEN: I'm going to object as hearsay.
MR. MESEREAU: Just asked how many, Your Honor.
MR. ZONEN: Assumes facts not in evidence.
THE COURT: Sustained. It's just hearsay.
Q. BY MR. MESEREAU: Do you remember in one of your recorded conversations with Vinnie where you told Vinnie that Chris Tucker and a woman identified as his girlfriend are witnesses the Arvizo family were free to come and go from Neverland whenever they wanted?
A. Did Vinnie say that or did I say that? 8870

Q. You.
A. Gosh. I don't remember.
Q. Would it refresh your recollection if I show you a transcript?
A. Sure. Go ahead.
MR. MESEREAU: May I approach?
THE COURT: Yes.
THE WITNESS: Could I ask you a question?
MR. ZONEN: I'm going to object to any further dialogue other than whether or not that provision refreshed his recollection.
THE WITNESS: Oh.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of the transcript?
A. Yes, I looked at that.
Q. Does it refresh your recollection about you saying that to Vinnie?
A. Can you say the question again? I'm sorry. What was the question?
Q. Did you tell Vinnie that it was your understanding that Chris Tucker and a woman identified as Tucker's girlfriend are witnesses that the Arvizos were free to come and go whenever they wanted from Neverland?
A. I think I'm asking a question. I'm not? Am I asking it or am I making a statement?
MR. ZONEN: I'm going to object to the absence of a foundation that it refreshed his 8871

recollection.
THE COURT: The only question pending is whether, having looked at that manuscript, your memory is refreshed about that statement or question, whatever it may be.
THE WITNESS: Okay.
THE COURT: Does it refresh your recollection?
THE WITNESS: No. Not really.
THE COURT: All right. Next question.
Q. BY MR. MESEREAU: You've talked about the project "What More Can I Give?" right?
A. Correct.
Q. You've talked about the work you did on ""Invincible"," right?
A. No, I didn't -- no, I didn't say that. I said I went to a video shoot.
Q. You didn't do any work yourself on it?
A. No. My name ain't in it.
Q. You did some work on the rebuttal show involving Debbie Rowe, correct?
A. I was there for the shooting of Debbie Rowe, true.
Q. Were you actually working for Schaffel at that time?
A. I worked until the 25th, and that was it, of February of '03.
Q. So you were working for Schaffel when the 8872

1 interview with Debbie Rowe took place?
2 A. With Neverland Valley Entertainment.
3 Q. Okay, excuse me.
4 A. Okay.
5 Q. You were working with Neverland Valley
6 Entertainment when the interview with Debbie Rowe
7 took place?
8 A. Correct. I received my last check on the
9 25th.
10 Q. And when the interview with Debbie Rowe took
11 place, were you working that day at Schaffel's
12 residence?
13 A. Yeah, I was doing filing and other
14 miscellaneous --
15 Q. Did you do any work on that video yourself?
16 MR. ZONEN: Which video? Objection.
17 MR. MESEREAU: I'll rephrase.
18 Q. Did you yourself do any work on the rebuttal
19 video involving Debbie Rowe?
20 MR. ZONEN: Again, it's vague as to just the
21 section of Debbie Rowe or the whole film?
22 MR. MESEREAU: I'll be happy to rephrase
23 those questions, Your Honor.
24 Q. The first question: Did you do any work on
25 the rebuttal video documentary --
26 A. Uh-huh.
27 Q. -- involving the Arvizos?
28 A. No. 8873

Q. Did you do any work on the rebuttal documentary particularly, specifically the Debbie Rowe interview?
A. I was there for the filming.
Q. Okay. Were you working on it at all?
A. Just upstairs I was doing things for Neverland Valley Entertainment. It was part of Neverland. They were filming there.
Q. Did the work that you were doing on that day involve the interview with Debbie Rowe?
A. No, not really. My work was just office stuff.
Q. When you looked at the list of questions you've identified that were being asked of Debbie Rowe --
A. Uh-huh.
Q. -- was that part of your responsibilities and your work for Neverland Valley Entertainment?
A. They were laying around. It wasn't like -- there was no secret about it. They were laying around. It was like -- just like you would in any production.
Q. Well, I think you said you went up and down the stairs during the shoot.
A. Yeah, I went up and down the stairs to get coffee, take a leak, come back downstairs, watch a little bit more. Go back upstairs.
Q. Were you just watching it on your own time 8874

or was that part of your work for Neverland Valley Entertainment?
A. Everybody was -- it was like Stuart. We were just there. We were watching. We were -- you know, I just wanted to do something else other than just sit there for nine hours. So --
Q. So am I correct you didn't directly work on that portion of the video?
A. I didn't do any lighting. I didn't ask her any questions. You know, but I was there. It was part of Neverland Valley Entertainment, for clarity's sake.
Q. Do you remember telling Vinnie --
A. In what?
Q. -- in one of your recorded interviews with him -- excuse me, not "interviews." Excuse me. Let me rephrase the question.
Do you remember telling Vinnie during one of your phone conversations with him that you recorded that, "All fingers point to Marc"?
A. Yeah, he was mastermind, letting people know what was happening.
Q. Do you remember telling Vinnie that, "Even if you were stupid and had the inside track, you would see the finger's pointing to Marc"?
A. Yeah, and Marc informed everybody what was going on.
Q. How long were you in contact on a regular 8875

basis with Marc Schaffel after you decided there was a conspiracy?
A. I never -- I never really decided there was a conspiracy per se. I just knew something was wrong. The family had escaped, and so I was relieved. I was just real relieved that everything was just like -- I thought everything was just going to be -- you know, that these people were kind of on a -- like lost souls on a ship. They could just float away from me and I could just be free of all of it.
So -- but I kept in contact with them. I love people. I adore people. Even if they do something wrong doesn't mean that I have a right to judge them. And maybe I don't know all the answers and maybe I don't -- I didn't know everything that was happening at the time. But as long as they were -- everything was okay and everybody was okay, I just kind of figured that -- I'm rambling. Sorry.
So that's a --
Q. So around the time you decided the family had escaped, you did not judge Marc positively or negatively; is that right?
A. I was just -- like I said, they were all on a boat, I mean, lost souls on a boat, so just let it go. Just let them go and do whatever fantastic things they do.
Q. While you were working for Neverland Valley 8876

Entertainment at Schaffel's residence --
A. Uh-huh.
Q. -- you learned that Schaffel had stolen money from a woman in Japan, correct?
A. Correct.
Q. And you kept working with him anyway, right?
A. I didn't learn it until later. And -- and even though I saw some documents, I don't know if the agreement specifically was that there was to be any money given back or anything like that. I only saw, you know, what I saw and heard what I heard.
Q. You saw what you saw and you heard what you heard while you were working with Schaffel, right?
A. We were on hiatus, yeah.
Q. Did you see the documents that you just referred to at Schaffel's residence?
A. I saw a couple of them, yeah. They would come in fax.
Q. How much longer did you keep working with Schaffel after you learned he had stolen money from a woman in Japan?
A. Well, I learned it much later, what had happened. I learned that the money situation -- because the people who brought -- can I explain this? Is that okay?
Q. I'm just asking you how much longer you kept working for Schaffel after you saw the document you've just described. 8877

A. I kept on working with him, but I didn't know he had taken this money until much later.
Q. You are friendly with a woman named Cindy Montgomery, right?
A. Correct. I met her.
Q. And when did you first meet Cindy Montgomery?
A. Around the Brazil trip, where they were trying to get one-way tickets to Brazil. Right around that time.
Q. Well, Mr. Schaffel used to go to Brazil a lot, didn't he?
A. Well, yeah. But -- yes. The answer is yes.
Q. You knew Cindy Montgomery before the Brazil trip you just referred to.
A. I knew of her.
Q. Correct.
A. But that was the first time I was actually meeting her face to face and talking to her.
Q. At some point you learned Cindy Montgomery tape-recorded a phone conversation with you, correct?
A. Yes.
Q. And you then began to tape-record phone conversations with Cindy Montgomery, right?
A. Yes. Because the machine would come on. I believe there was one conversation in there.
Q. And you repeatedly told Cindy Montgomery 8878

that Marc Schaffel is a prolific liar, right?
A. That's true.
Q. When did you learn that Marc Schaffel was a prolific liar?
A. Well, do you want the short answer or the long one?
Q. When do you think you decided Marc Schaffel is a prolific liar?
A. When I started working with him, things -- things were -- things were unraveling, stories weren't matching. You know, things his parents did for a living, things like that. You know, so I -- I kept on kind of, "Well, wait a second. That's not what you told me last month," so then I was just starting to remember.
Q. You'd known him since high school; is that correct?
A. I knew of him since high school, yes.
Q. Okay. Did you know him in high school?
A. Yes, I knew of him in high school.
Q. Before you began to work for Neverland Valley Entertainment, were you working in the entertainment industry?
A. Yes.
Q. What were you doing?
A. I was a record promoter.
Q. And where were you promoting records?
A. At the Universal Music Group. 8879

Q. How long did you do that?
A. Oh, God, like four years.
Q. Did you meet -- did you run into Schaffel while you were working for the Universal Music Group?
A. No, I ran into Schaffel when I was working for the Warner Music Group.
Q. When was that?
A. In ‘93. Because we lost contact from like ‘84 to like ‘93 is kind of like when we lost contact with each other, because I didn’t know where he moved.
Q. Did the sheriffs -- excuse me. Did representatives of the sheriff’s department tell you that Cindy Montgomery had recorded a conversation with you?
A. No, but I understood the wisdom of it later.
Q. How did you learn she had recorded a conversation with you?
A. She told me the truth.
Q. Okay. Approximately when was this, if you know?
A. Gosh, I don’t remember. I really didn’t think it was a big deal, so I don’t remember. I mean, I couldn’t honestly tell you a day or a month.
Q. Did you learn she had done that as a part of a police investigation?
A. She just basically said, “Listen, I’m your 8880

1 friend. I really like you. I don't want this to
2 ruin our friendship, but, you know, I" -- "I wanted
3 to make this recording." And she did it and....
4 Listen, everybody was making recordings in
5 that world. So this was like nothing. This was
6 nothing. I mean, people were following people.
7 People were making recordings. You weren't allowed
8 to talk on the phone at Neverland, things like that.
9 So this was nothing new.
10 Q. So you were not upset when you learned that
11 Cindy Montgomery had recorded a conversation with
12 you as part of this investigation?
13 A. Well, I was upset, because I wished she
14 would have just told me. And I remember, you know,
15 I put it in my notes, that I just thought, you know,
16 God, you know -- I was upset at the time. And then
17 later on, I just -- I realized that, you know, I
18 could see the wisdom of why that occurred, and it
19 was fine. It was just like I got done with what I
20 was doing, so --
21 Q. Did you tell her that you were recording
22 conversations with her?
23 A. No, I don't think so. But I think that
24 conversation with her was an accident, if I'm right.
25 I think there's maybe one or two in there with her,
26 and I think that was a complete accident, because it
27 was just -- the tape would go on, so -- when you
28 pick up the phone. 8881

Q. Do you remember discussing with Cindy Montgomery the fact that you were keeping notes of this investigation?
A. Keeping notes?
Q. Yes.
A. Yeah. I keep notes of everything, you know. My journals do you mean?
Q. Yes. Do you remember telling Cindy Montgomery that you were taking notes about this investigation?
A. I was keeping notes, yes.
Q. Do you remember telling her about that?
MR. ZONEN: I'll object as hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Do you remember that?
A. Yes.
Q. Do you remember telling Cindy Montgomery, in discussing your notes, "I'll give my lawyer the bullet points, overview, but not give him my detailed notes. Are you kidding me? That's a book, honey"?
A. Yes, I did say that.
Q. But you said earlier you have no intention of writing a book about this case, right?
A. I don't. I really don't.
Q. Okay. Do you know someone named Ian 8882

Barkley?
A. He was one of the people that Christian Robinson -- Christian Robinson brought on board. I think he was a photographer also.
Q. Did you ever --
A. From Utah.
Q. Did you work with him?
A. No, I didn't really communicate with him. I know he was around and was working for Christian or helping to assist Christian.
Q. Did you ever see Ian Barkley with Michael Jackson?
A. No.
Q. Was it your belief that Schaffel was trying to prevent people from talking to Michael Jackson?
A. Well, yeah, he would -- I mean, he always wanted to kind of hog the spotlight, I guess you might say.
Q. And he tried to keep Ian Barkley away from Michael Jackson, did he not?
MR. ZONEN: I'll object as lack of foundation and relevance.
THE COURT: Sustained.
Q. BY MR. MESEREAU: I'm not sure if I asked you this. When did you last talk to Schaffel?
A. Right before last month, on the 14th.
Q. Did he call you?
A. I don't remember. But I know I talked to 8883

him.
Q. And when had you talked to him last before
that call?
A. Gosh, off the top of my head, I don't
remember. It was just back and forth. Whatever.
Q. When did you last see Marc Schaffel in
person?
A. I think it was in Ohio. Yeah, I'm pretty
sure it was in Ohio. Yeah, it was in Ohio.
Q. You indicated you gave up your point --
A. Uh-huh.
Q. -- in the project that you had with
Neverland Valley Entertainment?
A. Yes, with "What More Can I Give?"
Q. And how did you give up your point?
A. I signed documents and just said --
basically Marc had provided me documents and said
that this is going to return -- because I had said,
you know, "I think this is a good idea. We should
return our points to Michael. I think that's a very
good idea." And he said, you know, "Oh, I agree."
And I met him at Wahoo's Fish Taco, and we
had lunch, and that's when I signed the point over
to Michael.
Q. And I believe you said you did that out of
pure generosity; is that --
A. Well, I did it because I just felt like I
would have bad karma owning something I didn't think 8884

I deserved. I really thought that I should; I should do it.
Q. Okay. Do you remember telling Vinnie Amen that you should have made $150,000 by going to a tabloid?
A. That I go to the tabloid or he did?
Q. You.
A. I never went to a tabloid.
Q. Do you remember telling him you should have?
A. I might have been tempted, yes, but I never did it. And I got calls and offers, but I never took them.
Q. Have you been told by anyone associated with the prosecution, “Don’t make any deal till after the trial’s over”?
A. No.
Q. Have you been told by any member of the prosecution, “Don’t give interviews till the trial’s over”?
A. Oh, they said I’m under gag order. Is that what you mean?
Q. Has anyone from the prosecution said to you, “Mr. Provencio, don’t give any interviews till this trial’s over”?
A. They never said do interviews or any of that. They just said, “You’re under gag order,” you know, and, “You’re accountable for your own actions.” 8885

Q. Do you remember telling Vinnie Amen, “Marc has made money hand over fist on Michael Jackson”?
A. Yes.
Q. Do you remember telling Vinnie that Michael Jackson had given a million dollars to Marlon Brando?
A. Yeah, I was there. Because he got booed.
Q. And you told Vinnie that Schaffel had stolen a million dollars from that woman in Japan, correct?
A. Yes. After I found out -- and maybe I’m being overassumptious, but the woman died and he didn’t return the money, so I considered that not right.
Q. Have you ever spoken to anyone who represents the media about this case?
A. I have friends in the media, but -- I would listen to what they said, but I -- I didn’t want people to put a stranglehold on me, so I preferred not to speak to them about it.
Q. And what friends in the media have you spoken to about this case?
A. Well, Kathryn’s a person that I talked to.
Q. Okay. She’s with who, CBS?
A. CBS.
Q. Who else have you spoken to in the media about this case?
A. Nobody. So....
Q. You just referred to some friends in the 8886

media.
A. Yes, I did refer to friends. And --
Q. And who were they?
A. And that's Kathryn Milofsky.
MR. ZONEN: I'm going to object unless there are people he actually discussed in this context.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Correct me if I'm wrong --
A. Uh-huh.
Q. -- did you just say you have friends in the media that you have listened to about this case?
A. Yes, they -- they call me, and I hear what they have to say, but it's -- you know, it's -- it has to stay a one-way street.
Q. And who are they?
MR. ZONEN: Objection, irrelevant.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Is Ian Drew a friend of yours?
A. Yes. He is in the media.
Q. Who does he work for?
A. A magazine. US Weekly, I think.
Q. Have you ever had a discussion with him about this case?
A. Oh, yes, I -- yes.
Q. And when was that discussion?
A. We were both there experiencing things at the same time, so that's what -- I mean, at the time 8887

it wasn't really a case, but we were experiencing things at the same time. So, like, I said, "Did you hear the word 'escape' or did I just make that up in my mind?" And he said he had heard it, too.
Q. When did you last talk to Ian Drew about the case?
A. A couple days ago. Oh, about the case?
Q. Yes.
A. He just said he --
Q. When did you last talk to Ian Drew about this case?
A. A couple days ago.
Q. And you said he worked for US Weekly?
A. Yes. But I've never been paid by them or anything like that.
Q. What does he do for US Weekly?
A. You know what? I think he's a writer. I think he's a writer.
Q. Did he call you or did you call him?
A. He called me.
Q. Do you talk to him on a regular basis?
A. Infrequently. He's very infrequent. Cool guy. Very infrequent.
Q. Now, in your handwritten notes, you refer to someone named Larry Schiller, correct?
A. I guess. Oh, is that my handwriting or Marc's?
Q. I don't know. I can show you a page of 8888

this.
A. I can look at it, if you want me to look.
Q. Sure.
THE COURT: We'll take our break now.
MR. MESEREAU: Yes, Your Honor.
THE COURT: No?
(Laughter.)
All right. We won't.
THE WITNESS: Oh.
THE COURT: The second time.
(Laughter.)
Q. BY MR. MESEREAU: I can show you that page,
if you want.
A. You know what? Why don't you just show me.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
MR. ZONEN: Counsel, could I see that,
please?
THE WITNESS: Oh, yeah, that's Marc's
writing.
Q. BY MR. MESEREAU: Okay. Now, that page was
found in your notes, true?
A. Correct.
Q. Do you know why Marc's writing is found in
your notes?
A. Well, I would have it -- well, sometimes I
was kind of stupid and I would have the -- the --
the -- the book sitting out. And if he went to my 8889

phone to answer the phone and he was in there, I think that's when he wrote it.
Now, I didn't see him write it, but that's when -- I mean, I freaked out. I even made the reference that I got to keep my notes a little bit better.
Q. Do you know who Larry Schiller is?
A. No.
Q. Okay. Did you ever talk to Marc about who Larry Schiller was?
A. Huh-uh.
Q. Okay. He writes books about trials. Did you know that?
A. No.
MR. ZONEN: I'll object as beyond the scope of this witness's knowledge and assuming facts not in evidence.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you ever taken your notes and rewritten them?
A. Huh-uh.
Q. Are --
A. I mean, I ramble and I scribble, but -- you know, and rewrite sometimes. Like if I find a fact out, I'll, like, write out the answer. Or sometimes I'll be, like, "Well, what is this?" You know what I mean?
Because, like, in that period of time, I 8890

wasn’t sure who was telling me the truth. That’s why the notes seem pretty scrambly a little bit.
Q. I thought you’d forgotten about them.
A. What do you mean?
Q. Your notes.
A. Well, I did, you know, for a period of time after it was all done. I just stuck it in a box in storage, so --
Q. Did you ever go back to those notes and redo them?
A. No.
Q. Ever add anything to any of those notes?
A. No. I know I have, like, different styles of handwriting. But, no.
Q. Did you ever go back to your notes when you had another thought and just kind of add something?
A. No. That wouldn’t be cool.
Q. Was there only one set of notes?
A. One set of notes?
Q. Yes.
A. There are many notes. There are many journals.
Q. When did you first give the police -- well, let me rephrase that.
A. Okay.
Q. The notes you took, are you referring to them as journals?
A. Yes. 8891

Q. Okay.
A. You know, just notes that I took. Journals.
Q. Okay. When did you first give any representative of the sheriff's department a journal referring to anything about this case?
A. I guess the first -- the first couple weeks, I guess. Oh, no, it was during the -- no, I had notes that I gave them during the -- when they came to my house the first time.
Q. You gave them your journal notes a few weeks ago, didn't you?
A. No, I continuously give them notes.
Q. The notes you were referring to earlier that have a February 1st date are notes you gave them a couple of weeks ago?
A. That's true. From the Neverland Valley book, right.
Q. Had you given them some notes before that recent date?
A. Well, it was an ongoing investigation, so I gave them notes all along. I was keeping in contact with people, so --
Q. You didn't give them any of your notes until a few weeks ago, right?
A. Any of my notes? No.
MR. ZONEN: Objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You mentioned someone 8892

named Stuart Backerman, right?
A. Uh-huh. Uh-huh.
Q. And when did you first meet Stuart
Backerman?
A. When he was hired to come on for the “What
More Can I Give?” project. Or was it -- no, he was
hired for the -- for when he -- he came on -- excuse
me. He came on when Ronald brought him on to work
on the -- the -- kind of the fall-out of the Martin
Bashir thing. That’s when I believe he started
working.
Q. Did you work with him directly?
A. Yeah, he was in the office.
Q. How long did you work with him?
A. Couple months. Well, not really. I mean,
probably a month and a half maybe.
Q. Now, in your notebook, you have phone
numbers and fax numbers for Access Hollywood?
A. Yes.
Q. MTV?
A. Uh-huh.
Q. Entertainment Tonight?
A. Uh-huh.
Q. Have you ever talked to anyone associated
with those organizations?
A. Yeah, they call -- they were all calling us.
Q. About the case?
A. About the case? 8893

Q. Yes.
A. Not me. Marc did. But I just kept the phone calls because they called in.
Q. Did you listen in on any of Marc's calls to the media?
A. A few of them. Like when he was -- like I said, he would have it on speakerphone, and you would just sit there and you would just listen.
Q. Did you ever become aware of Marc's efforts to sell any information about Michael Jackson to the media?
MR. ZONEN: Assuming facts not in evidence. Objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember discussing with Cindy Montgomery the possibility that she secretly videotaped Michael Jackson on an Xtra Jet flight?
A. Did I talk to her about it?
Q. Yes.
A. I just -- I don't remember it. But probably did.
Q. Did you have a number of discussions with Cindy Montgomery about the claim that she had secretly videotaped Michael Jackson on an Xtra Jet flight?
MR. ZONEN: Assuming facts not in evidence, that she had secretly videotaped anyone. 8894

THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember learning about that issue?
A. Yes.
MR. ZONEN: Objection; vague. What issue?
Q. BY MR. MESEREAU: Cindy Montgomery videotaping Michael Jackson on an Xtra Jet flight. Do you remember learning about that subject?
MR. ZONEN: Objection; assuming facts not in evidence.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever tell anyone you thought Cindy Montgomery secretly videotaped Michael Jackson on a flight?
MR. ZONEN: I'm going to object as irrelevant; assumes facts not in evidence.
THE COURT: Overruled.
MR. ZONEN: And hearsay.
THE COURT: Overruled.
THE WITNESS: I don't remember.
Q. BY MR. MESEREAU: Do you remember talking with her about that subject?
A. Of her videotaping?
Q. The claim that she had.
A. That she -- what the news was reporting?
Q. Yes.
A. Yeah, I brought it up to her. I believe so.
Q. Did you ever tell anyone you thought she had 8895

done it?
A. I was uncertain.
Q. To your knowledge, how long had Cindy Montgomery been friendly with Marc Schaffel?
A. Well, I found out many things, but I found out that --
MR. ZONEN: Judge, I'm going to object. Lack of foundation, personal knowledge, and hearsay.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: How many phone calls of Cindy Montgomery -- excuse me. How many phone conversations with Cindy Montgomery did you record?
MR. ZONEN: That was asked and answered. Objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did anyone from the sheriff's department ask you to record a phone conversation with Cindy Montgomery?
A. No. But like I said, it just came on, so it was an accident. I acknowledge that.
Q. It was a what?
A. It was an accident. I acknowledge that.
Q. Okay. It was an accident that you recorded her?
A. It was an accident that the thing -- I didn't mean to record her.
Q. Okay. And how many times did you record her in total, do you think? 8896

A. I think once or twice, because I wouldn't get to the thing and pick it up right away.
Q. Okay. And was this at your home?
A. Yes.
Q. Were you recording these phone conversations out of your home?
A. Yes.
Q. Okay. Did the sheriffs give you some equipment to use to record those conversations?
A. I went and got it.
Q. Yourself?
A. Yes.
Q. Had you ever done that before you began to work with the sheriffs in this investigation?
A. Huh-uh.
Q. Did they tell you what equipment to buy?
A. No.
Q. Did you already know what kind of equipment to buy for that purpose?
A. I just walked into Radio Shack.
Q. And when was that?
A. I don't recall.
Q. You used to discuss entertainment projects with Cindy Montgomery, right?
A. Correct.
Q. And why did you do that?
A. Because she had some good ideas.
Q. Was she involved with you in any 8897

entertainment projects?
A. Oh, yeah, we worked on Michael's party together.
Q. And when was that?
A. September of '03.
Q. Was that a party at Neverland?
A. Yes. The Romero-Britto party.
Q. And you worked with Cindy Montgomery on that?
A. We did the -- we did the thing for the raffle, yes.
Q. And that was a charitable function?
A. I hope so. But, yes.
Q. It was a charitable function, correct?
A. Yes.
Q. Schaffel was involved in that, correct?
A. Yes.
Q. And you were working for Schaffel at that time, right?
A. Well, no, I was working for Neverland Valley Entertainment.
Q. And this was when, September of 2003?
A. Yes. They had asked me to -- to -- if I would be willing to do another fund-raising thing and basically -- and help Michael raise some money. And I thought maybe that might be a good idea.
Q. Were you suspicious at the time that the money might not go to charity? 8898

A. Well, I was uncertain, but -- I don't want to think the worst, but --
Q. Did you keep working for Neverland Valley after that date?
A. No.
Q. You didn't work after September of 2003?
A. Oh, September 2003. Neverland Valley Entertainment, getting a check?
Q. Yes.
A. No.
Q. When was this event that you just described?
A. It was in September.
Q. Of what year?
A. I think 2003. 2003 or 2004. Maybe I'm wrong. I have a reference here. May I look at it?
Q. Sure.
A. Okay.
Q. Just looking for that day.
A. Yes. Yes, September 13th, 2003.
Q. And that was how long after you were relieved that the family escaped?
A. It was a while.
MR. ZONEN: I'm going to object as asked and answered and argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember telling Cindy Montgomery in a recorded phone conversation regarding the Debbie Rowe interview that it was a 8899

1 sheet full of questions, in reference -- referring
2 to the script? Do you remember that?
3 A. Yes, there was -- there was a few, in the
4 beginning, a sheet full of questions, and then it
5 turned into having answers on it.
6 Q. All right.
7 A. It wasn't just one piece of paper, ever.
8 Q. During the time you worked with Marc
9 Schaffel, how many times do you remember him going
10 to Brazil?
11 A. Quite a few times.
12 Q. And over --
13 A. Four, five times, maybe.
14 Q. Over what period of time would that have
15 been?
16 A. Over a couple of years, that I knew of.
17 Q. To your knowledge, did Cindy Montgomery book
18 his trips to Brazil?
19 A. To my knowledge, yes.
20 Q. Do you know when you first talked to her?
21 A. About?
22 Q. Anything.
23 A. Probably not until the "What More Can I
24 Give?" project. Probably June, June 2001, when she
25 would call at the office.
26 Q. Do you remember giving the sheriffs your
27 handwritten notes about the taping of the Arvizos --
28 A. Right. 8900

Q. -- where you said you saw the script
yourself. Questions only, no answers?
A. Yes. I wrote that.
Q. You gave those notes to the police, correct?
A. Right.
Q. You were referring to the taping of the
Arvizos, right?
A. Correct. And then later on, I believe, in
the notes I make another remark about it.
Q. Were you there during the taping of the
Arvizos?
A. No. That was at Hamid's place.
Q. Did you ever meet Jay Jackson?
A. No.
Q. To your knowledge, has Ian Drew been
speaking to Marc Schaffel as of late?
A. No. They don't like each other.
Q. Did they ever work together, to your
knowledge?
A. Yeah, on the Debbie Rowe rebuttal.
Q. Did they work on any other projects
together, to your knowledge?
A. The -- the one that was -- they were at,
which was the Debbie Rowe rebuttal. I think there
was something else, but -- I think there was
something in regards to --
MR. ZONEN: I'm going to object to lack of
foundation, unless it's based on personal knowledge. 8901

THE COURT: Sustained. Foundation.
Q. BY MR. MESEREAU: Now, you mentioned hearing some conversations that involved Mark Geragos, right?
A. Correct. He would call the office.
Q. Did you used to speak to Mark Geragos?
A. No, I didn't speak to him.
Q. Ever spoken to him?
A. Just when he called the office.
Q. And did you ever actually have a conversation with him?
A. No.
Q. Do you recognize his voice if you hear it?
A. It's pretty distinctive, but --
Q. Did you ever listen in on any discussions that Marc Schaffel had with Mark Geragos?
A. No.
Q. Well, in your response to the prosecutor's questions, you, I think, gave a number of how many times you had -- you recall Geragos calling Schaffel, right?
A. Uh-huh.
Q. And how many times do you recall Geragos calling Schaffel?
A. Well, he called quite a bit. When he -- Marc said that he only talked to him twice, but I know he was calling often when Vinnie was there.
Q. Did you hear anything that Mark Geragos ever 8902

said in those conversations?
A. Just updates.
Q. You heard him giving updates?
A. No, he -- he -- Vinnie was giving him
updates.
Q. Could you hear Vinnie but not Geragos? Is
that the way it worked?
A. Well, yeah.
Q. Were you in the room?
A. And then he would hang up, and I would go,
“Who was that?” And he would go, “Oh, just Mark
Geragos.”
Q. Were you in the room listening to Vinnie
speak to Mr. Geragos?
A. Well, sometimes it’s -- well, it’s an
office, so if you’re on the fax machine or you’re on
the computer, you can hear people talking. So --
Q. Could you hear what Vinnie was saying?
A. Well, you could hear Vinnie, yes.
Q. Did you listen to his conversations with
Mark Geragos?
A. I heard the conversation in a work setting.
Q. And was this one conversation?
A. No, there were a couple.
Q. And where did they take place?
A. At Neverland Valley Entertainment.
Q. Have you ever met Mark Geragos?
A. Huh-uh. 8903

MR. MESEREAU: Let me take just one second.
THE COURT: Yes.
Q. BY MR. MESEREAU: You took notes -- excuse me. You've been writing notes about this case almost up till the present, right?
A. Practically, uh-huh.
Q. And do you do this on a daily basis?
A. No.
Q. How often do you do it?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever tell any representative of the sheriff's department that Dieter didn't tell Michael Jackson everything?
A. None of them told everybody everything, so -- that's an accurate statement, you know, because they had their own deal -- oops, sorry. They had their own deals they would do, and if they weren't part of Michael, I don't think they would tell him.
Q. During the time you worked with Neverland Valley, was it your perception that Schaffel was working closely with Dieter and Konitzer?
A. And Michael, yes.
Q. Well, but you've made -- excuse me. But you've told the police that you didn't think Michael Jackson knew what they were doing, correct?
A. No, not what they were doing. Not every 8904

1 thing. There's a difference.
2 Q. Do you recall anyone in the sheriff's
3 department ever giving you a police report to read
4 and make corrections to?
5 A. Oh, I'm -- yes, I made corrections.
6 Q. And when did you do that, if you remember?
7 A. One of the meetings.
8 Q. Pardon me?
9 A. One of the meetings.
10 Q. Do you know who you were meeting with?
11 A. Yes.
12 Q. Who were you meeting with?
13 A. Gordon and Steve -- or was it -- oh, it was
14 Gordon. It was Jeff Klapakis.
15 Q. And where did that meeting take place?
16 A. In their office.
17 Q. And did someone give you a police report
18 about your interview to look at?
19 A. At that time?
20 Q. Yes.
21 A. No. They gave me a police report to look at
22 later.
23 Q. When was that?
24 A. And I made corrections.
25 Q. When was that?
26 A. You know what? Honestly I don't know.
27 Q. Were you given a copy of a police report
28 about a past interview you'd had for you to correct? 8905

A. Yes. Some of the words, like my name was misspelled and other things like that. Plus, I'd been getting phone threats, and I wanted to make sure they knew that I had been getting some phone threats lately.
Q. Well, my question is this: Who gave you a police report from a past interview to look at and make corrections?
A. Gordon.
Q. Gordon Auchincloss?
A. Yes, sir.
Q. All right. Did you do what he asked you to do?
A. He said to look it over, "Are these things spelled right? Are these things right?" And I did.
Q. And when did that meeting take place?
A. I told you, I don't exactly remember.
Q. Was it recently?
A. No. It was a while -- a while ago. Maybe a couple months ago, yeah.
Q. A couple of months ago?
A. Yeah, probably a couple months ago.
Q. And what report were you -- excuse me. The report that Mr. Auchincloss gave you to look at --
A. Uh-huh.
Q. -- concerned an interview that was very old, did it not?
A. Yeah. Like I said to you prior, that, you 8906

know, when that interview was taking place, I was very nervous, and I could expand on certain things a little bit better, bring clarity to it.
Q. And is that what you and Mr. Auchincloss discussed the purpose of your looking at that report was?
A. No, he just said correct the spelling, and if there's something that's totally wrong, just make a mark on it.
Q. This is a report about an interview that had happened a long time ago, correct?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember looking at that report of your prior interview where you talked about Schaffel and Dieter and Konitzer doing things you thought were wrong?
A. Yeah. I always thought that.
Q. And while you were sitting with Prosecutor Auchincloss, you decided to add the name "Michael Jackson," right?
A. No. God, no.
Q. Did you ever add "Michael Jackson" to any report that he gave you to correct?
A. I added -- added "Michael Jackson." Yes, I added "Michael Jackson," because that's what I knew from those two conference calls. That's it.
Q. He wanted you to add the name "Michael 8907

Jackson" because it didn't appear in your original interview, right?
A. No, he didn't want me to add it.
Q. Well, that's what you did, isn't it?
A. I added it, because it was correct.
Q. So you were correcting a statement you made well over a year ago where you said Schaffel, Konitzer and Dieter were doing incorrect things?
A. Uh-huh.
Q. And suddenly, right before the trial, you handwrote in an additional name, Michael Jackson, right?
MR. ZONEN: I'm going to object as argumentative; and narrative in the questioning.
THE COURT: Sustained.
MR. MESEREAU: No further questions at this time, Your Honor.
Just one second, Your Honor. I've got a bunch of stuff to move.
Thank you.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Mr. Provencio, did anybody in law enforcement ever ask you to change your testimony?
A. No.
Q. Did anybody in law enforcement ever ask you to create facts to help this prosecution? 8908

A. Absolutely not.
Q. Would you have done such a thing?
A. No.
Q. Did Mr. Auchincloss ever ask you to change any of the factual content in your report?
A. No.
Q. What exactly did he ask you to do with regards to that report?
A. Look it over, make sure things are right, that they're spelled right. And my name was even spelled wrong. And I didn't give a taped recording, so I know it was kind of handwritten-note-driven and there was things missing. Because if you're not tape-recorded, then it can't be like a transcript form.
Q. And did you make changes on that report?
A. Yes.
Q. All right. Did you believe that there was a statement that missed Mr. Jackson's name that should have been included?
A. Yes. That's why.
Q. What was it that you believed that Mr. Jackson's name should have been included on?
A. That he knew what was going on along with everyone else, he knew what was happening.
Q. What did you base that on?
A. The conversation I heard.
Q. You had had many conversations with Mr. 8909

Jackson over the two years you worked for Neverland Valley Entertainment; is that correct?
A. Not tons and tons, but many, yes.
Q. And had overheard many conversations that he had with Mr. Schaffel?
A. That's correct.
Q. Did you -- was it your experience that Mr. Jackson was actively involved in his own businesses?
A. He's a brilliant businessman. He knows what's going on.
Q. And he would ask questions frequently?
A. He wanted updates.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: Do you have the notebook with you that contains that note that you wrote on -- that is dated February 1, '03?
A. May I look?
Q. Please.
A. Okay. In regards to the conference call?
Q. It was a note that was shown to you by Mr. Mesereau.
Could I approach the witness?
THE COURT: Yes.
THE WITNESS: Yes.
Q. BY MR. ZONEN: Do you have that with you?
A. Yes.
Q. Would you pull it out, please? 8910

A. Okay. Oh, here it is. Is it this one?
Yeah.
Q. Those are the original notes; is that correct?
A. Yes.
Q. And may I take a look at it?
A. Sure.
Q. Now, you -- are these the notes that you refer to as the ones that went into a storage locker?
A. Yes. And I have the storage locker thing to show that that's when I found them.
Q. Would this be the front of the notebook here?
A. Yeah. It looks juvenile, but, yeah.
Q. That's all right. We have "N-V-E" --
A. Right.
Q. -- in kind of block letters. Is that Neverland Valley Entertainment?
A. Right.
Q. All right. Now, as we proceed to the section that has February 1, '03 -- and you see that page right here; is that correct?
A. Uh-huh. Uh-huh.
Q. Now, let's back up one, two pages.
A. Uh-huh.
Q. And this would be closer to the front of the notebook; is that correct? 8911

A. Right.
Q. And here we have a date, February 17, ‘03?
A. Uh-huh.
Q. Can you explain how that is, that you have an entry from February 17 closer to the front of the notebook and this reference that Mr. Mesereau talked to you about, February 1, ‘03, two full pages beyond? How is that?
A. Well, my notebook’s random. I doodle in it. I mean, I flick -- open a page that’s open, and I just write. Then there’s -- it’s on both sides. I’ve got horrible drawings, and that’s what -- that’s what my notebook is. It’s for me and my eyes only, so it’s not really meant for other people to see and care about it.
Q. I guess the question, then, is this: Should we assume that the order in which we see the pages is the order in which they’re entered?
A. Oh, no. For -- if it’s -- if the first page is supposed to be January 1st and then the third page, you know, or second page January 2nd, no, it’s not written like a diary. It’s written like a notebook would, from an office. You just scribble on whatever you scribble on. This is the notebook I just carried around.
Q. Now, this notebook ended up in a storage locker; is that correct?
A. Yes. 8912

THE COURT: All right. We'll take our break.
(Recess taken.)
MR. ZONEN: May I proceed?
THE COURT: Yes.
Q. BY MR. ZONEN: I'd like to go back to a couple more inquiries about that notation in your notebook that includes the reference to --
BAILIFF CORTEZ: Turn your microphone on, sir.
Q. BY MR. ZONEN: Let me go back to that notation in your notes of February 1, '03. You had testified as to the paragraph that was right after February 1, '03, and then another paragraph that followed after that, "Family in danger."
A. Uh-huh.
Q. "Who are these killers? Nobody but the press are calling."
A. Uh-huh.
Q. Do you have an opinion as to whether or not that paragraph was written on February 1, '03?
A. Well, like I said to Mr. Mesereau, that's a different paragraph with the slant going different, and it's a different kind of writing. I have different style writing, and like I showed everybody, including Mr. Mesereau, I scribble and write all over the place.
Q. Okay. But the question is, do you have an opinion as to whether that paragraph was written on 8913

1 a day other than February 1, ‘03?
2 A. Yes.
3 Q. Okay. What is that opinion?
4 A. I just -- I just wrote it as I heard it, and
5 it was later.
6 Q. At a later time?
7 A. Yeah.
8 Q. Do you have any way of knowing how much
9 later that was?
10 A. Not unless I put a date on it.
11 Q. And you didn’t put a date on it on this
12 occasion?
13 A. Huh-uh.
14 Q. Is your handwriting different in that
15 paragraph than the paragraph that precedes it, the
16 paragraph directly above it?
17 A. Yes, as in all -- my whole book I have
18 different styles of writing based on urgency. And
19 if I take my time, I really write well, and if I
20 don’t, it looks like chicken scratch.
21 Q. Let’s go to the paragraph above it. There’s
22 some reference to Mexicans in that, and there are a
23 few references in your notes to that, correct?
24 A. Yes. Yes.
25 Q. When did you first hear that reference to
26 Mexicans?
27 A. It was when the family first came to the --
28 Neverland Valley Entertainment and Gavin came in and 8914

went down to the bathroom.
Q. All right. Was that after the 1st of February?
A. That was -- yeah, that would have been after the 1st, but I had heard -- I had heard them talk about them --
MR. MESEREAU: Objection. Reference to "them."
THE COURT: Sustained.
Q. BY MR. ZONEN: Who are you talking about, "them"?
A. The family.
Q. The Arvizo family?
A. Yeah.
Q. All right. When was the first time you heard Marc Schaffel speak in a derogatory fashion about the Arvizo family?
A. Well, unfortunately, Marc is catty and spoke in derogatory terms about everybody. And so the first time, I think, was actually in January. But I don't think I wrote it down till later. You know, not right when he said it, but when I heard it the next time, I wrote it down.
Q. Were you hearing conversation from Marc Schaffel about the Arvizo family as soon as you had read the transcript that was delivered to you by Kathryn Milofsky?
A. Yes. Oh, absolutely. 8915

MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: When did you first start hearing commentary from Marc Schaffel about the Arvizo family?
A. That day.
Q. What day?
A. The 24th of January.
Q. And the 24th of January was --
A. I believe it was the 24th of January.
Q. Was what?
A. Oh -- oh, '03.
Q. When you received the transcript?
A. Right.
Q. Did the commentary from Mr. Schaffel about the Arvizo family change over time?
A. Well, the --
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. ZONEN: You told us that at some stage they were speaking favorably of the Arvizo family?
A. Right.
Q. Who is "they"?
A. Vinnie, Frank, Marc, you know, because Marc had already started talking to -- he had been speaking to Frank for a while, trying to ingratiate himself back into Michael's world and stuff. And he 8916

1 was informed from Ronald and Dieter, and this is
2 what Marc had told me, that there was this family
3 that the boy had cancer. And so they were
4 wonderful, good people at that time. And so I heard
5 that early on.
6 Q. Did they discuss the family in a religious
7 context?
8 MR. MESEREAU: Objection; leading.
9 THE COURT: Overruled.
10 You may answer.
11 THE WITNESS: Yes.
12 Q. BY MR. ZONEN: What did they say?
13 A. They were deeply religious, so -- Catholic I
14 believe is what he said.
15 Q. Now, you've mentioned the term "crack
16 whore."
17 A. Oh, yeah.
18 Q. And who used that term?
19 A. They all did.
20 Q. When?
21 MR. MESEREAU: Objection.
22 THE COURT: Sustained.
23 Q. BY MR. ZONEN: Who are "all," if that
24 sentence is even close to permissible?
25 A. Vinnie, Frank, Marc.
26 Q. I'm sorry?
27 A. Vinnie, Frank and Marc.
28 Q. Vinnie, Frank and Marc all used that term? 8917

A. Yeah. I double-checked, and I said, “Did you see them smoke crack? On the ranch?” See, that didn’t make any sense.
Q. Did anybody acknowledge actually seeing anybody in the Arvizo family smoking crack?
A. No.
Q. Did you confront each of them with that?
A. Yeah, I asked them, because it just sounded stupid.
Q. Did all three of them use that expression?
A. Yeah, they said that, “Oh, well, no, Marc told me they were using crack.” And then, “No, Frank told me she was using.”
And I was like, “Oh, whatever.” So it was like --
Q. Did they say who in the Arvizo family was using crack?
A. The mom.
Q. The reference on that note on February 1, ‘03, to “Mom flipping out,” who was it who told you that?
A. Marc did.
Q. Did he --
A. Because -- oh. Sorry.
Q. Did he give you any other information about that?
A. No, not really, because I don’t know what she was flipping out about. I mean, she was kind 8918

of -- as I said, she was kind of cuckoo, so it could have been anything, I guess.
Q. And the reference to the subsequent paragraph where it says, “Who are these killers? Nobody but the press are calling” --
A. Uh-huh.
Q. -- what does that mean, “Nobody but the press are calling”?
A. Well, the 24th transcript comes, and the press are already calling. They want to ingratiate themselves to either Marc or whoever. That’s the game. You know, you get there first. You’re buddy-buddy.
MR. MESEREAU: Objection; nonresponsive.
Q. BY MR. ZONEN: Did anybody from the press mention anything about killers?
A. No.
Q. Did you receive any telephone calls from people voicing threats against anyone?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: I never -- I never heard any threats coming in.
Q. BY MR. ZONEN: Did you know anything about threats at all --
A. Huh-uh.
Q. -- other than these statements about 8919

killers?
A. I was hearing about this. That's why I wrote it down. I was like, "What the hell? What are the killers?"
Q. The conversation you had with Ian Drew where the word "escape" came in, when was that conversation?
A. Gosh. A while ago.
MR. MESEREAU: Objection; assumes facts not in evidence.
THE COURT: Overruled. The answer is in. Next question.
Q. BY MR. ZONEN: Did you begin recording conversations with people prior to the involvement of law enforcement?
A. No.
Q. Why did you record telephone conversations?
A. Well, I -- everybody had been doing so much shady crap, and I just was like -- I was just tired of it, you know. I was just tired, because it was involving me still and ruining my career, and I just figured, "You know what? I'm just going to do this for the right people and I am going to do it."
And, you know, I hem-hawed for a long time, because I knew it would really -- in Hollywood, that would ruin your career.
Q. What do you mean by that?
A. Well, it's -- you know, it's -- you don't 8920

want people to think that of you. But I did it because I made a choice. You know, like I even told my father on his deathbed. He said, you know, "You have to live your life without regret."
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: As to the last sentence, I'll strike it.
Q. BY MR. ZONEN: Do you believe there's going to be a consequence for you in your profession for having cooperated with law enforcement?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Have you had a consequence to your profession because of your involvement in this case?
A. Oh, yeah.
MR. MESEREAU: Objection. Relevance; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: What is Steal the Stage, LLC?
A. It was a company that basically Vinnie, Marc -- and I don't remember if Frank was involved or not, like I said before, but we decided that maybe we should open an LLC. It was in the office. It was early, whatever, but -- so that we could possibly do other things outside the realm of 8921

Michael Jackson. Not just use Michael Jackson's name for things, but do our own things.
Q. Did you ever begin working on such a thing?
A. No. Nothing ever happened with it.
Q. Was there any project that had ever actually been commenced?
A. No.
Q. What did you mean by the statement "making money off or with Michael Jackson" in reference to Marc Schaffel?
A. Well, they would use his name to, you know, make money. I mean, they would -- you know, some things he was included and did things with, and then some things, you know, Marc was doing his own thing. So --
Q. Like what?
A. You know, like him and Dieter wanted to put out some book. You know, it was a table -- coffee table book or something. And it had Michael's authorization, but they were kind of doing it. You know, but I wasn't really -- the details on exactly who knew what, or whatever, isn't clear to me. But I knew that that was something that they were pursuing, but it didn't necessarily need Michael's involvement every day like something like working on a charity single did.
Q. Did you believe that that was going to profit somebody other than Michael Jackson? 8922

MR. MESEREAU: Objection. Calls for speculation; leading; foundation.
MR. ZONEN: It's in response to his questions.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead.
A. Everybody would have benefited I'm sure.
Q. Including Michael Jackson?
A. Yes.
Q. Did you see at any time Marc Schaffel involved in any activity that you believed was done for purposes of cheating Michael out of money?
A. I think -- well, that's why I kind of kept on keeping track. I was trying to figure out what the whole story was. So to answer yes or no, I guess -- I guess it would have to be probably -- I would say yes. He was doing things, and some things --
Q. Like what?
A. Well, like I don't know if that coffee table book thing was on the level, you know.
Q. Okay.
A. And there was these MJ speakers. Like where in the heck did those come from? You know, all of a sudden --
Q. What is an MJ speaker?
A. I don't know. They had some speakers that -- 8923

Q. Are you speaking people speaking, or --
A. Like speakers for his home stereo system. I was just like, “Where did those come from? And what the world were those?”
Q. Did you ever inquire as to whether that was a project that did or did not have Mr. Jackson’s permission?
A. It had his name on it, and Dieter and Ronald were practically living at the ranch, so when they showed up, I just was like -- also, they showed up at the RMAs in Las Vegas.
Q. All right. But did you have any information from any of them that these were projects that were done to the exclusion of Michael Jackson?
MR. MESEREAU: Objection; leading.
MR. ZONEN: I’m sorry, I didn’t hear.
THE COURT: All right. You may answer that “yes” or “no.” Do you want the question read back?
THE WITNESS: Yes, please.
(Record read.)
THE WITNESS: No, not the exclusion. They always said that Michael knew.
Q. BY MR. ZONEN: All right. What was Frank Cascio’s relationship with Michael Jackson?
A. He was a family friend.
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: During the time that you knew 8924

both Frank Cascio and Michael Jackson, did you see them together?
A. Yeah, at the ranch and at the studio.
Q. Did you see them interact with one another?
A. Yeah. Especially at the studio.
Q. Did Michael Jackson ever tell you about his relationship with Frank Cascio?
A. No. Frank told me.
Q. Did -- did -- during the entirety of your two years of dealing with Michael Jackson or Neverland Valley Entertainment, was Frank Cassidy involved?
A. Cassidy?
Q. Excuse me, Frank Cascio.
A. Okay. Was he involved?
Q. Was he involved?
A. Yes.
Q. So was there any time during the time that you were involved with Neverland Valley Entertainment that you were not dealing at one point or another with Frank Cascio?
A. Gosh, you know what? No, because he was there bringing -- he would come to the studio, and then -- and then, you know, when, you know, there was the firing.
MR. MESEREAU: Objection; nonresponsive.
THE WITNESS: Oh.
THE COURT: After “No,” I’ll sustain that. 8925

MR. MESEREAU: Move to strike.
THE COURT: Strike it after “No.”
Q. BY MR. ZONEN: Mr. Mesereau had asked you if you had made the statement in an interview that Debbie Rowe was honest and sincere in her interview.
A. Uh-huh.
Q. Do you recall making that statement?
A. Not really, no.
MR. MESEREAU: Objection; asked and answered.
MR. ZONEN: Not by me.
THE COURT: The objection is overruled. And he did answer the question.
THE WITNESS: I’m sorry --
MR. ZONEN: The answer is in?
THE COURT: The answer is in. He said, “No.”
Q. BY MR. ZONEN: Do you believe that Debbie Rowe was honest and sincere in her interview?
A. No.
Q. I’m sorry?
A. No.
Q. Mr. Mesereau was asking you questions about your answers to questions put to you by Detective Sergeant Robel in the January 24, ‘04, interview.
A. Uh-huh.
Q. Did you have any pre-notice about that interview?
A. Pre-notice? 8926

Q. Yeah. Did they call you in advance and say they were going to be coming by to ask you some questions?
A. In the very first time I meet them?
Q. That's right.
A. No.
Q. Was that interview conducted on the very day that you met them?
A. Yeah. They just asked me basic questions.
Q. How long was that interview?
A. God, not more than 30 minutes. I mean, it was just like, "Where's your car? Is this your computer?" Things like that.
Q. And you did cooperate with them; is that correct?
A. Yeah. I gave them my notes.
Q. Now, in the course of this interview, were they interested in conversations that you had with any of these other people that you've been testifying about today?
A. Well, yeah, but, you know, I was outside in pajamas, so it wasn't like I was going to go very far.
Q. Is it the case that you were giving them as much information as you were able to recollect on a moment's notice in your pajamas --
MR. MESEREAU: Objection; leading.
Q. BY MR. ZONEN: -- about many people? 8927

MR. MESEREAU: Move to strike.
THE COURT: Yes. Stricken.
Q. BY MR. ZONEN: Were you really in your pajamas?
A. Yeah. I was -- I was in my pajamas and freaking out, yeah.
Q. And in this 30-minute conversation, did you give them as much information as came to mind at that time?
A. Yeah. I mean --
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: What were the difficulties in your being able to recall facts at that time?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: I was just extremely nervous. Here was -- here was one explosion -- yet another Neverland explosion, so -- happening at my front door.
Q. BY MR. ZONEN: What does the expression “all fingers point to Marc” mean?
A. He was organizing, informing. He was taking care of some of the business of, you know, paying Vinnie and Frank. You know, money, receipts. It was a lot of, you know, that kind of business going on. 8928

Q. There was a woman Mr. Mesereau asked you about from Japan. There was a woman that Mr. Mesereau asked you about from Japan. His question suggested that Mr. Schaffel stole from that woman.
A. Uh-huh.
Q. Do you have information about that encounter?
A. I just know that -- that he had bragged and said that -- he didn't brag, per se, but he just said -- later on I said, "Well, how did you get that money?" And he said, "Oh, well, she died. It doesn't matter."
Q. All right. What was the nature of the transaction between this woman and Mr. Schaffel?
A. She was going to try to buy the rights to "What More Can I Give?" I guess, and then -- and hopefully Marc was going to convince Michael to do a show in Japan.
Q. All right. Did she advance money in that effort?
A. Yes.
Q. And then she died?
A. Then she died.
Q. Was it your belief that Mr. Schaffel should have returned the money to the family?
A. Absolutely. Absolutely.
Q. And he did not do that?
A. Yeah, and like I said, I didn't know exact -- 8929

you know, contract, maybe there was some clause in there, but I just thought it was the right thing to do. If somebody dies and you're in it, in the middle of an agreement, then you should give that money back, especially like a million bucks.
Q. You gave your point back to Mr. Jackson, didn't you?
A. Yes.
Q. Did you have a conversation with Mr. Schaffel at that time suggesting that he do the same with his points?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Did you?
A. I thought -- I thought we were all giving our points back because that was the right thing to do.
Q. Did he tell you whether or not he would do that?
A. He never answered me, but then I didn't care anymore.
Q. Do you know whether or not he did that?
A. I don't know.
Q. Do you know what your point was worth?
A. Well, I got an offer of a million bucks for it from this guy from Korea.
Q. Did you turn it down? 8930

A. Oh, yeah. I turned it down.
Q. Why?
A. I mean, Michael gave it to me in the spirit of good faith. And I thought it was -- you know, that was going to be worth a lot of money, so I gave it back because I couldn't miss what I didn't have. And I thought -- I kind of felt sad for everybody. I mean, I kind of felt sad. I loved them and at the same time didn't like what they were doing, but I felt sad for them, and at the same time I kind of figured, you know, I was a good person coming into this, and I think that I'll be an okay person leaving, too, so --
Q. Are you intending on writing a book on this matter?
A. No, I'm not intending to write a book.
Q. What was the meaning of the reference, the statement to Cindy Montgomery?
A. The book just means this is a book. I mean, this is like -- this is like a story I don't think anybody would believe. I mean, this is just -- it's outrageous. It's really an outrageous, ridiculous train wreck story.
Q. You said to Mr. Mesereau you weren't allowed to talk on the phone at Neverland. What did you mean by that?
A. Oh. I was just told by everybody not to talk on the phone. We were always monitored. 8931

That's what I -- that's why I didn't really feel bad recording people. I was always monitored, so what the heck.
Q. Who told you that?
A. Frank, Vinnie and Marc.
MR. MESEREAU: Object.
THE WITNESS: Because I would say something, and they would shut me up and say, "Don't say that on the phone here." And I was like, "Oh, okay."
Q. BY MR. ZONEN: You told Mr. Mesereau that Mr. Jackson gave one million dollars to Marlon Brando. Is that true?
A. Yes.
Q. When did that take place?
A. Right after the 30th Anniversary Special in New York before September 11. But the check actually didn't get -- you know, because we were stuck there in New York. The check didn't actually get to Marlon Brando until afterwards.
Q. When was the direction from Mr. Jackson to turn a million dollars over to Marlon Brando?
A. Well, he was upset that Marlon Brando got booed and just said, you know, in that kind of deeper voice, he just says, "You got to give him a million dollars." And we were just like, you know, stunned.
Q. And where did this money come from?
MR. MESEREAU: Objection; foundation. 8932

THE COURT: Sustained.
Q. BY MR. ZONEN: Were you present at the time
Mr. Jackson made that statement?
A. Yeah, we were in the dressing room. We were
in the back.
Q. To whom did he make that statement?
A. To Marc.
Q. Were you there at that time?
A. Yeah, we were both standing there, because
we were both -- our faces were set to stun, really.
You know, I wanted to get booed, so --
(Laughter.)
Q. Incidentally, do you know what Marlon Brando
did to warrant being booed?
A. Yeah.
MR. MESEREAU: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: All right. Let's go back to
the million dollars. Was he paid a million dollars,
Mr. Brando?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you have an opportunity
to look at the bank records dealing with that
transaction?
A. I saw the check.
Q. You saw the check. The check was made on
whose account? 8933

A. Neverland Valley Entertainment.
Q. All right. How long after that encounter was that check written on Neverland Valley Entertainment?
A. Well, as soon as we got back, because we flew back private jet. So as soon as we got back, you know, he started working and complaining about it.
Q. So was this part of the money that came from the Parviz loan?
A. Oh, yeah.
Q. This was part of your operations money; is that right?
A. Uh-huh.
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: At the time the police came to your house when you were in your pajamas, did they have a search warrant?
A. They had one with them, but they didn't need to serve it.
Q. And why is that?
A. Because I believe -- I believe that you should work with law enforcement.
MR. MESEREAU: Objection. Objection. Nonresponsive; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: You've been in the music 8934

industry, I think you said, 20 years; is that right?
A. Yeah, 20 years. Started when I was 18.
Q. Have you been involved with albums before?
A. Yeah, plenty.
Q. Are you familiar with people putting credits on the album jacket?
A. They're called liner notes, yes.
Q. Called what?
A. Liner notes.
Q. Liner notes; is that right?
A. Uh-huh.
Q. All right. Is it generally the habit and custom of artists to do that for people who they're close to or people who have a particular interest in the production of that album?
A. Yeah. Oh, yeah.
Q. Is it generally the case that they hold them in high regard?
A. Yes.
Q. Would there be people contained --
MR. MESEREAU: Objection. Foundation; move to strike; and calls for speculation.
THE COURT: I'll strike the last answer. Sustain the objection.
Q. BY MR. ZONEN: Is there any expectation in the record industry that a person would automatically be included in one of these things?
A. Huh-uh. 8935

MR. MESEREAU: Objection. Foundation; calls for speculation; relevance.
THE COURT: Sustained.
MR. ZONEN: I have no further questions.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Now, Mr. Provencio, on cross-examination you admitted having a discussion with Cindy Montgomery about your notes and saying to her the following: "I'll give my lawyer the bullet points, overview, but not giving him my detailed notes. Are you kidding me? That's a book, honey."
A. Uh-huh.
Q. What is your explanation now for that?
A. It's -- it's like -- it's like a really bad fairy tale that -- it's like a book nobody would believe. I mean, you wouldn't believe it if you read it. It's kind of unbelievable. It's an unbelievable story, I think.
Q. Were you telling the jury when you made that statement in a recorded phone call with Cindy Montgomery you were not referring to your writing a book?
A. Not at that time.
Q. Whose book were you referring to when you said --
A. The tale. 8936

Q. -- when you said, “That’s a book, honey”?
A. That’s a book. It’s a tale. It’s like an unbelievable tale and a book.
Q. When you said, “I’ll give my lawyer the bullet points,” which lawyer were you talking about?
A. An entertainment lawyer that I dealt with.
Q. You said, “I’ll give my lawyer the bullet points, overview, but not giving him my detailed notes. Are you kidding me? That’s a book, honey.”
A. Uh-huh.
Q. Are you telling -- excuse me. Are you testifying under oath that you were not referring to your writing a book?
A. That’s true.
Q. Okay. All right.
Now, the prosecutor for the government asked you some questions about your interview with Sergeant Robel of January 31st, 2004, correct?
A. Who’s the government? I’m sorry.
Q. These guys.
A. Oh. Okay. Law enforcement. Okay. So, state your question again, please. I’m sorry.
Q. The prosecutor asked you about your interview with Sergeant Robel of January 31st, 2004, correct?
A. Correct.
Q. That’s when you say you were in your pajamas and just don’t remember a lot of things, right? 8937

A. Well, when the police show up, you freak out, so, yeah, that's true.
Q. So you told Sergeant Robel in that interview that you were going to tell him everything you knew, but you didn't want to be recorded, correct?
A. Oh, no, that was an interview -- oh, the 2000 -- wait. Hold on a second. So when they came to my house and served me with a search warrant, are you talking about that particular time, or are you talking about --
Q. Excuse me. I'm sorry. Let me rephrase the question.
A. Okay.
Q. You were interviewed by Sergeant Robel on January 31st, 2004, correct?
A. Correct.
Q. Is that the interview you claim you gave while you were in your pajamas?
A. If that's the interview at the hotel, I was not in my pajamas. The time I was in my pajamas is when they first came to my house with a search warrant.
Q. There are nine pages of comments you made about these events in that interview, right?
A. Uh-huh. I guess, if they're there.
Q. Well, the interview took place January 31st, 2004, right?
A. Where? Does it say where? 8938

Q. It says “in Los Angeles area.”
A. Okay.
Q. Right?
A. Not Calabasas?
Q. You gave an interview on January 31st, 2004,
to Sergeant Robel, correct?
A. Right. Right.
Q. You said in that interview you were going to
tell him everything you knew, but you didn’t want it
tape-recorded, right?
A. Correct.
Q. You were given that report recently to look
at, correct?
A. To correct spelling. I corrected the
spelling.
Q. Well, you did a lot more than that with it,
didn’t you?
A. Well --
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I made -- because it was
not taped, I guess not everything I know is in my
head made it on that piece of paper.
Q. BY MR. MESEREAU: So approximately two weeks
ago would be --
A. Uh-huh.
Q. -- April of 2005, correct? 8939

A. Right.
Q. Prosecutor Auchincloss gives you a police report about your interview on January 31st, 2004, right?
A. Right. The book, or whatever.
Q. He says, “Read it and correct it,” right?
A. No. He says -- he says, “Look it over.”
“Look it over. Is this information correct, to your best ability?”
Q. And you started adding the name Michael Jackson to statements you had made about Dieter, Konitzer and Schaffel --
MR. ZONEN: Objection. Asked and answered; exceeding the scope of the redirect.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Was your memory of these events better two weeks ago than it was on January 31st, 2004, Mr. Provencio?
A. No, it’s like riding a bike. You either remember or you don’t remember. It’s in your head or it’s not. Like I remember what people wear, their shoes, if they smell. You know, weird things like that.
Q. Now, let me get this straight, your comments about your notes on February 1st, 2003.
A. Okay.
Q. You have a -- you put down “February 1st, 2003,” on the pad, correct? 8940

A. Uh-huh. Straight up and down.
Q. You wrote a paragraph that goes how many lines under that day?
A. Four. In -- but the four -- the four lines are slanted to the right. So the “February 1st, ‘03” slanted upward and it says, “Family-kids,” and then there’s a couple lines and it slants to the right.
Q. Okay. And in that paragraph you say Schaffel made a derogatory comment about Mexican people, right?
A. That’s correct. And I’m Mexican.
Q. And you talk about “Mom flipping out” in that first paragraph, correct?
A. Correct.
Q. Right?
A. Correct.
Q. In the next paragraph, you talk about a family, right?
A. Well, yeah, but it’s written in different writing again, so it’s --
Q. You say --
A. It’s a different paragraph. It’s a different paragraph. I’m scribbling at a different time.
Q. You say “Who are these killers?” in that paragraph, right?
A. Yes, uh-huh. Because the press are calling, 8941

and it's after the 24th. So they were already calling.
Q. And you wrote those words underneath the date February 1st, 2003?
A. The first paragraph that you are referring to --
Q. Yes.
A. -- the first two lines --
Q. Yes.
A. -- "Family-kids" is written under February the 1st. There's a paragraph there with different kinds of handwriting, and then it shoots down to another paragraph.
Q. Okay.
A. And that's -- that's -- you know, those things are unrelated thoughts, and they're just scribbling thoughts.
Q. Sir, look at the last sentence that you wrote --
A. Uh-huh.
Q. -- on the first paragraph. Do you see that?
A. "I thought they used to be good people."
Q. Right.
A. Uh-huh.
Q. Are you saying that that handwriting is different from the handwriting in the next paragraph?
A. It's similar, but I know my handwriting 8942

enough to know when I write things, so --
Q. It's the same style of handwriting, true?
MR. ZONEN: Objection; argumentative.
THE COURT: Overruled.
THE WITNESS: So answer?
THE COURT: Yeah.
THE WITNESS: Okay. I don't believe so. I think it's different.
Q. BY MR. MESEREAU: How is it different?
A. Well, first of all, "family" is written different. It's a different paragraph. If you take a look at the entire -- if the jury could see the entire thing, there's many things on a piece of paper, and it all looks like kind of a collision/ mess, because it's not meant to be an exact narrative. It's meant for me to remember certain things as they occurred.
Q. During the break, the last break, did you talk to Prosecutor Zonen about your testimony?
A. Yes. I asked about -- I asked a couple questions.
Q. Did he ask you any questions?
A. He wanted to know about the threatening phone calls that I got.
Q. Did he tell you anything about what you had testified to?
A. Yes, he asked me a question, "Did you tell the truth?" And I told him, "Yes." 8943

Q. Did he ask you anything -- excuse me. Did he tell you anything about what he was going to ask you after the break?
A. No. He just asked me to clarify something for him on the date.
Q. Did he discuss your police interview of January 31st, 2004?
A. No.
Q. Isn't it true that when you were interviewed by the sheriffs on January 31st, 2004, you did not hand over any notes?
A. I don't know. Is that what it says? I'd have to look at it, but I don't -- did I not hand over notes at that time?
Q. You didn't hand over any notes during your police interview on January 31st, 2004.
A. When they came to my house? I sure did.
Q. When you were interviewed in the Los Angeles area, you gave no notes, correct, to Sergeant Robel?
A. I did give him notes, because I even gave him the address book. I remember that.
Q. So the report should reflect that, in your mind, right?
A. It should, yeah.
Q. When did you discuss these notes you had lost, the ones you took -- you turned over a couple weeks ago?
MR. ZONEN: Objection. Misstates the 8944

evidence, that they were lost.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When did you discover the notes that you had kept in storage all this time but I believe you said you forgot about?
A. I had stuck them in a box. I thought they were just lost. Like I said, I just stuck them in storage.
Q. And you found them when?
A. Do you want me to look? I can tell you exact dates.
Q. Approximately.
A. I have the receipt right here. Do you want me to look?
Q. Sure.
A. I believe I brought the receipt.
Mid-April.
Q. That's this year?
A. Yes, this year.
Q. Now, Prosecutor Zonen asked you a question on redirect examination about whether you thought Debbie Rowe was honest and sincere in her responses during the interview, right?
A. Uh-huh.
Q. Did you discuss that issue with him during the break?
A. No.
Q. But you admit that on January 31st, 2004, 8945

you told Sergeant Robel that Debbie Rowe was honest and sincere in her responses, right?
A. Yes, some of it was. I think some of it was.
Q. You didn't say "some of it." You said she was honest and sincere in her responses?
A. Well, it wasn't recorded. I know what I meant is that some of it was sincere.
Q. Okay.
A. She wanted her kids back, to see them.
Q. Just to clarify something in your notes of February 1st, 2003, you say that, "Mom's flipping out about something," correct?
A. Uh-huh. Yes.
Q. And you're referring to Mrs. Arvizo, correct?
A. Yes.
Q. Whom, at that point, you had never met, right?
A. No, just heard about.
Q. And that's before the Bashir documentary aired in the United States, correct?
A. And after the transcript was received on the 24th of January, correct.
Q. By you, right?
A. I received it. Marc received it.
Q. Do you agree that in every police interview you've done, you've never mentioned the transcript 8946

1 of February 24?
2 A. I don't know if I did or didn't, but I know
3 when I got it, because I had the e-mail.
4 MR. MESEREAU: I have no further questions.
5
6 FURTHER REDIRECT EXAMINATION
7 BY MR. ZONEN:
8 Q. Do you remember to whom you turned over your
9 notes when the police arrived at your door?
10 A. Who did I turn them over to?
11 Q. Yes.
12 A. The police officers.
13 Q. Do you remember which one that was?
14 A. Steve Robel and Jeff Klapakis -- Klapakis.
15 Q. Do you know whether it was Lieutenant
16 Klapakis or if it was Sergeant Robel?
17 A. Yes, it was those two.
18 Q. It was those two, all right.
19 A. Uh-huh.
20 Q. Was that on the first occasion that they
21 came to your door?
22 A. Yes.
23 Q. That was at the time they had a search
24 warrant?
25 A. Correct.
26 Q. All right. The interview that took place
27 was at a -- was there some level of interview that
28 was done at that time, at the time of the search 8947

warrant?
A. Yeah, but it was like I'm outside, and it's cold, and I'm freaking out, there's cops everywhere.
Q. Was there a follow-up interview that then took place --
A. Oh, yeah.
Q. -- soon thereafter?
A. Yep.
Q. Approximately how long after that was the follow-up interview?
A. I don't remember. I just remember it was in the Calabasas area.
Q. Do you remember if it was longer than a week or two after the initial arriv --
A. No, I think it was within the first two weeks of that.
Q. Did you have additional notes to turn over on that occasion?
A. Yeah, just stuff -- you know, I mean, they asked, "Where's your computer?" You know, "Do you have some notes?" And I said, "Yes, there's some right here."
You know, "What other information" -- "Can we talk to you outside?" And I said, "That's okay."
And I agreed -- you know, I mean, I was scared, but I agreed to, because I just felt that that was the right thing to do.
Q. Over the months that followed, did you take 8948

1 additional notes?
2 A. Yes.
3 Q. And did you turn those notes over
4 periodically to Detective Robel, Detective Sergeant
5 Robel or to Lieutenant Klapakis?
6 A. Yes.
7 MR. ZONEN: No further questions.
8 MR. MESEREAU: No further questions.
9 THE COURT: All right. Thank you. You may
10 step down.
11 THE WITNESS: Okay.
12 Where do I go?
13 THE COURT: Call your next witness.
14 MR. SNEDDON: Your Honor, at this time we
15 have some items to be moved into evidence.
16 (Off-the-record discussion held at counsel
17 table.)
18 MR. SNEDDON: Your Honor, we're going to
19 start with a series of records that have been marked
20 as People's 250 for identification purposes. It's
21 one, two, three, four, five, six, seven -- eight
22 pages, front and back. And I believe there's a
23 stipulation that they may come into evidence.
24 MR. SANGER: Yes. So stipulated, Your
25 Honor.
26 MR. SNEDDON: In addition to that, Your
27 Honor, there are a series of records.
28 THE COURT: Just a moment. 8949

MR. SNEDDON: I'm sorry? I guess I should wait.
THE COURT: 250 through 258?
MR. SNEDDON: No, 250 only, Your Honor. That's all one document.
THE COURT: Those are pages 1 through 8?
MR. SANGER: For the record, I think we should say they're records pertaining to Xtra Jet and Chris Tucker.
MR. SNEDDON: That's correct.
THE COURT: All right. No objection, 250 is admitted.
MR. SNEDDON: And then there is a series of records, Your Honor, from the Country Inn & Suites which have been provided through the custodian of records, and we've had a chance to look at them. And we're moving that People's 219, 220, 221 and 222 be admitted into evidence. They're all records dealing with the Calabasas Inn.
MR. SANGER: No objection.
THE COURT: They're admitted.
MR. SNEDDON: Your Honor, Mr. Provencio was our last witness. However, there still remains the outstanding issue of the documents that are before the Court under consideration, and there are one other set of records that just came in today that I need to look at with counsel, but beyond that, we'd be prepared to rest. 8950

And, oh, also we need to go over the exhibits, because there are several exhibits that you deferred ruling on, and we need to address those.

So there's some miscellaneous items that need to be done, but other than that, in terms of live witnesses, we're prepared to rest once all these are cleared up.

THE COURT: You're resting subject to those issues?

MR. SNEDDON: I am, Your Honor.

THE COURT: The Court will make the following rulings on the 400 series, which I've been briefed by both sides on and listened to the evidence:

401 is admitted.

402 is excluded as cumulative and restricted financial information.

405 is admitted. 409 is admitted. 410 is admitted. 413 is admitted.

And 423 is admitted -- no, excuse me, I'm excluding 423.

So then that leaves what issues?

MR. SNEDDON: I'm sorry.

THE COURT: I'm just waiting for --

MR. SNEDDON: We're consulting. We don't....

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: Judge, there are -- do you 8951

have your court exhibit sheet handy, Your Honor?
THE COURT: Yes.
MR. SNEDDON: There are several items that have been marked for identification but have not yet been admitted into evidence. We would be moving --
MR. SANGER: I didn't know he was going to do that. Can I have a moment to get my sheet out?
MR. SNEDDON: Go ahead.
THE COURT: I was just thinking we could let the jury go a few minutes early, because we can go through the admitting of them.
MR. SNEDDON: That's fine, Your Honor. That's --
THE COURT: Let me speak to the jury for a second.
MR. SANGER: Excuse me. Just for planning -- I'm very sorry to interrupt, but there will be a motion when the People rest. For planning.
THE COURT: I understand that. I wanted to tell the jury that next Tuesday, the 10th, will be a half day. So we'll stop at 11:30 on that day.
And then what you're suggesting, I think, is that they should come in a little later in the morning, because you're going to make a motion. They're really resting right now, and I don't think you have time to make the motion this afternoon. 8952

MR. SANGER: I -- I don't think so. We also have a written brief which we did not, and should not, file until they rest. So I have that.
THE COURT: Right.
MR. SANGER: They may want to take a look at it, so it may be more efficient to do it tomorrow morning.
THE COURT: Yeah.
(To the jury) So I think what we'll do is, court will start at the regular time and I'll hear the motion, and then I'll have you come in at -- we'll start with jury at 10:00. I don't want you frivolously wasting that time of your day.
All right. I'll see you tomorrow morning.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. Go ahead, Counsel.
MR. SNEDDON: Judge, may I inquire of the Court for just a moment before we start the process?
THE COURT: Yes.
MR. SNEDDON: With regard to the 418 that you excluded, was that on the basis of a lack of foundation or for some other reason? That's the check.
MR. AUCHINCLOSS: 418, page three. 8953

THE CLERK: You didn't mention 418.
THE COURT: I didn't rule on that. The rulings were on 401, 402, 405, 409, 410, 413 and 423, which are the documents you took testimony on today.
MR. AUCHINCLOSS: Okay.
THE COURT: That's what I was keeping track of today.
MR. AUCHINCLOSS: Okay.
THE COURT: In your briefs, you had covered other exhibits.
MR. SNEDDON: And we'll --
THE COURT: But they were not addressed today, so I didn't rule on them today.
MR. SNEDDON: Okay. I just was seeking clarification. And will there be an opportunity to address that, or are you going to rule on those without argument?
THE COURT: Well, if you're offering something, you can offer it. I mean, that's what you're doing now, is it not, offering the rest of your exhibits?
MR. SNEDDON: Yes, sir. The ones that haven't been previously admitted.
THE COURT: Right. So just go ahead and offer them, and we'll see if there's any --
MR. SNEDDON: I'll do the ones that I know about, and I'll have Mr. Auchincloss do the 400 8954

series, if that's okay with the Court.
The one I'd like to begin with is 294, which for the Court's recollection, it was a document that was found inside of the briefcase that contained several items of adult materials and was offered for indicia of ownership and knowledge of the materials inside. It was identified by the officer and contains the initials of the defendant on the document. So we're moving that 294 be admitted.
THE COURT: All right. It's admitted.
MR. SANGER: Your Honor, I at this point --
THE COURT: You need to speak into the microphone.
MR. SANGER: I just turned it on. I'm sorry.
I was going to say, at this point, unless the Court is absolutely clear, I don't have an absolute clear recollection, without looking at that particular exhibit, and I -- I have notes on some of the items.
THE BAILIFF: No one can hear you.
MR. SANGER: Can't hear?
THE BAILIFF: No.
MR. SANGER: It's on. I've just got to bend over. What happened is the cord got shorter.
All right. All I'm saying is, if the Court has a clear recollection and is prepared to rule without hearing from the defense, I understand that, 8955

but if not, I'd like to have a chance to look at that exhibit.
THE COURT: I'm going to admit it. And if, for some reason, you want to readdress that after you look -- find it -- I think I do have a clear recollection. But then I thought the break was at quarter to 1:00.
MR. SANGER: Okay. Thank you.
MR. SNEDDON: The next item, Your Honor, is 349, which is the orange bottle that you took under submission and we offered as demonstrative evidence. And I believe there's case law that --
THE COURT: There is. That's admitted. That's clear to the jury that that's not the -- it just looks like the bottle. It's not the bottle.
MR. SNEDDON: Right.
MR. SANGER: We object there was a lack of foundation, and I believe we did object, but if we didn't, I --
THE COURT: You did object, and that's why I took it under submission. And there is a couple of cases on it, one I recall about a fire can that carried gasoline to start a fire, and they lost the can, and they brought a can just like it in, and that was just to show the jury what it looked like, and that's admissible.
MR. SNEDDON: The next item, Your Honor, is 625, which is the series of letters between Mr. 8956

Geragos and Mr. Dickerman.
THE COURT: All right. They're admitted.
MR. SNEDDON: We'll withdraw -- I mean 630 we're not offering, because that has not been admitted.
THE COURT: Yes.
MR. SNEDDON: With regard to the series of exhibits in 823 through 829, I believe we laid the foundation when we put Detective Alvarez and Bonner on to establish the foundation for these particular exhibits that they're the ones from which the DVDs were made from, so -- and seized by Detective Caldwell, so we would move that they be admitted.
THE COURT: I believe the foundation was laid. Is there any objection to that?
MR. SANGER: I just want to make sure that we don't have one in there -- I understand that there's been a foundation for most of them, but I'm not -- I'm not sure that all of them have been -- there's an independent relevance foundation laid. In other words, there's been a seizure foundation laid, that they were obtained and in the offices of Brad Miller, but there's nothing that -- as I sit here, I don't know which number, but there's nothing that lays the foundation for the relevance in this case.
MR. SNEDDON: Judge, they're the surveillance tapes. 8957

THE COURT: They were all played to the jury.
They were your surveillance tapes.
MR. SNEDDON: That's why we thought they were in evidence.
MR. SANGER: Were they all played?
MR. ZONEN: All were except 829. 829 is a duplicate of another one. It's the micro-mini. They made a copy of the micro-mini. We then played it off of the more conventional form, but 829, it is the micro-mini that was seized, and then the one we played was the one that was duplicated onto to be able to play it.
MR. SANGER: I didn't understand that, quite frankly.
THE COURT: They made it -- they made one from this exhibit, so he didn't show this exhibit, but he showed the copy they made from the exhibit.
MR. ZONEN: And the testimony was that they're identical.
MR. SANGER: Okay. I think they showed the copies. They showed copies of all of these. They didn't show any VHS tapes. So that's not the issue. I believe there were two tapes that were similar, and one of them was not shown and one of them was shown.
MR. ZONEN: That's 829.
MR. SANGER: So 829 was shown and 828 was not? 8958

MR. ZONEN: 829 is the mini. That's the one that was not shown.
MR. SNEDDON: Excuse me. The DVD copy of 829 was shown, so this is the foundation to show that this is the original.
MR. ZONEN: Yes.
MR. SNEDDON: And this was authenticated by the officer.
THE COURT: Well, in terms of what the jury should get, 828 has been authenticated. We'll just put in 828. We'll leave out 829. It's in as an exhibit and it's part of the --
MR. SNEDDON: Record.
THE COURT: -- record.
MR. SNEDDON: That's fine. That's perfectly acceptable to us, Your Honor.
MR. SANGER: There you go.
MR. ZONEN: I don't believe that's the duplicate of 828. I believe it's actually the duplicate of 825.
THE COURT: Okay. Okay. Same ruling.
MR. SANGER: Your Honor, since everybody's still talking and we've only got a couple minutes, I understand the Court's ruling is that you're not going to let in both tapes of the same thing.
THE COURT: Right.
MR. SANGER: And with that ruling in mind, if there's some dispute, can we take it up later? 8959

THE COURT: Absolutely.
MR. SANGER: Okay. Thank you.
MR. SNEDDON: I believe, except for the 400 series, that covers all the issues, except for the one that I mentioned to the Court about having to check with the SDT records that just came in with United Airlines. Other than that, I think we're -- oh, wait a minute. That's right.
I'm sorry, Your Honor, there are three photographs --
THE COURT: Okay. What I'm going to do is --
MR. SNEDDON: Yeah. 45, 46 and 47 should be admitted, Your Honor.
THE COURT: All right. Any objection?
MR. SANGER: No objection, Your Honor.
MR. AUCHINCLOSS: Would you like me to address the 400 series at this time, Your Honor?
THE COURT: Well, no. Just tell me what other ones you want rulings on that I haven't ruled on.
MR. AUCHINCLOSS: I believe at this point you've excluded 402; is that correct?
THE COURT: Yes.
MR. AUCHINCLOSS: Okay. We would ask that the remainder of the 400 series --
THE COURT: And 423.
MR. AUCHINCLOSS: And 423. Very well. We'd ask that the remainder of the 400 series be 8960

admitted, with the exception of -- the exceptions of
414 and 416.
MR. SANGER: When counsel says “the
exception,” Your Honor, does that mean they’re
withdrawn?
MR. AUCHINCLOSS: Yes.
THE COURT: I think they’re not offering
that.
THE CLERK: There’s numerous in the 400
series that haven’t even been identified.
THE COURT: The only ones I’m going to
consider are the ones that have been identified in
court, which are the 400 series up to 424. After
that, 425 through -- just so you all know, 425
through 449 haven’t been identified; 460 through
469. But I think you were just talking about the
400 series ending with 423, because that’s what your
briefs covered.
MR. AUCHINCLOSS: We have some additional
exhibits under the 400 series that -- let me just
have a moment to look at the notebook.
MR. SANGER: While they’re looking, Your
Honor, you went so quickly through the numbers, when
I tried to write them down, I don’t think I got them
all.
402 was excluded. 401 was admitted?
THE COURT: 401 was admitted.
MR. SANGER: Okay. 8961

THE COURT: 402 was excluded. 405 was admitted. 409 was admitted. 410 was admitted. 413 was admitted. And 423 was excluded.
MR. AUCHINCLOSS: And if your question was are we offering at this time, concerning the 400 series, only up through 423, which, as you said, has been excluded, that is correct.
THE COURT: Well, then I can make rulings on the others.
MR. AUCHINCLOSS: You may. But the one thing I'd request, Your Honor, if we have a dispute about exhibits that can be remedied by additional foundation, we'd just ask that the Court allow us to reopen to handle that evidentiary issue, if necessary.
MR. SANGER: Well, Your Honor, we had filed a written brief, and I believe we objected to all of these.
THE COURT: You did.
MR. SANGER: Okay. So the Court has ruled on some, but not all of them.
THE COURT: The only ones I ruled on were the ones that they laid foundation on today.
MR. SANGER: There you go. Okay. Now I understand. We did object to everything else, and I don't believe there is a foundation --
THE COURT: Well, that's true.
MR. SANGER: -- as to the remaining ones. 8962

THE COURT: There are foundation problems as to other documents, there's no question.
MR. SANGER: Yes.
THE COURT: Other than these documents that are hanging out here, what I would like to have us do is to have you rest, subject to my rulings on that, have you serve your 1118 motion, and be prepared to argue that motion tomorrow morning, both of you. And I'll make rulings on the other documents in the 400 series that have been identified before you make your argument.
MR. AUCHINCLOSS: Okay. My request is just because, as you know, of the timing of the admission of these documents, we've held off on them, but normally during the course of the presentation of our case, we would have an opportunity to lay additional foundation if there was a foundational issue on any of the documents. And there may be an issue that could be remedied fairly quickly, so I'd just make that representation to the Court, that that may be a request, depending upon the outcome.
THE COURT: Okay.
MR. SANGER: Well, Your Honor, just so I'm clear, I would like to be able to file -- I'd like to be able to serve and file the motion, and I think the Court has asked us to do that. My concern -- I'm sitting because I'm worried about getting too far away from that, so let me stand here. 8963

My concern is that these are documents obviously -- let's put it this way. Obviously, Count 1 is going to be the subject -- significant subject of our motion.

THE COURT: Right.

MR. SANGER: And these are documents that, if they intend to reopen and call some more witnesses, we are giving them a road map to our objections, and they could then say, "Well, we said we're going to reopen," so, you know, call in a bunch of witnesses.

So I don't want that to happen, and Mr. Auchincloss was very vague in what he's requesting, so I'm going to object to what he's requesting. Either they rest or they don't rest.

I understand the Court can say, "I'll take under submission whether these documents come in or not." That's not a problem. I just don't want to file this and have them bring in another witness, or two, or three.

THE COURT: Well, I am taking under submission whether or not any of the other 400 series would be admissible under the present state of the record. They're resting subject to that. They've said they may wish to reopen. I'm not ruling on that issue. So as of right now, you have a record. You have them resting, and all that's left is my ruling. 8964

MR. SANGER: Based on that -- Your Honor, thank you for clarifying that. Based on that, I will serve in open court a copy of a Motion for Judgment of Acquittal Under 1118.1, and I'll file the original and provide two copies to the clerk. And we'll expect to argue that tomorrow, if that's all right.
THE COURT: Right.
All right. Then court's in recess. I'll see you tomorrow at 8:30.
MR. SANGER: Thank you, Your Honor.
Oh, Your Honor? Not to take time, but there is one other motion that was still pending.
THE COURT: I'll rule on that in the morning. I haven't had time -- I got that late this morning. I haven't had time to -- I read it. That's all I've done with it, so --
MR. SANGER: Okay.
THE COURT: That's the motion to dismiss; the mistrial.
MR. SANGER: The mistrial and the Griffin/ Doyle.
THE COURT: I'll rule on that before you argue in the morning.
MR. SANGER: Thank you, Your Honor.
THE COURT: Thank you.
(The proceedings adjourned at 2:40 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 8771 through 8965 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 4, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 4, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER